

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1727 of 2020**

Arising Out of PS. Case No.-612 Year-2019 Thana- SC/ST BAGHA District- West
Champanan

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AFASARA MIYAN @ AFSARA MIYAN @ AFASARA ANSARI @ MD.
SALMAN Son of Islam Miyan @ Islam Ansari @ Ramjan Miyan Reident of
Village- Dabgar Tola, Hanuman Gadhi, Bagaha, P.S.- Bagaha, District- West
Champanan.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Arvind Kumar, Advocate.

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 19-01-2021 Heard learned counsel for the appllant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 11.06.2020 passed by learned 1st Additional
Sessions Judge cum Special Judge (SC/ST Act), West
Champanan in connection with Bagaha SC/ST P.S. Case No. 612
of 2019 registered under Sections 341, 323, 324, 307, 325 &
504/34 of the Indian Penal Code and Section 3 (1) (x) of the
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

When the grandson of the informant had gone at the shop of Serajul Miyan for refilling gas, there arose some dispute for payment upon which appellant in association of other persons are said to have abused him in his caste name and also assaulted him by means of lathi and iron rod causing injury to the grandson of the informant and he became unconscious. Some persons of the market brought his grandson to the Sub-divisional Hospital for treatment and from where he was referred to Gorakhpur for better treatment.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. The doctor has found the injury simple in nature. There is case and counter case between the parties. No independent witnesses have supported the version of the prosecution. The allegation of slating the informant levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for



bail.

Perused the case record including the case diary. On perusal of F.I.R., it is clear that the victim was referred to Gorakhpur for better treatment and appellant has abused him by taking his caste name at the shop.

In the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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