

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2979 of 2021

Arising Out of PS. Case No.-130 Year-2021 Thana- BAUSI District- Purnia

JUNAID ALAM, Son of Late Abul Hasan, Resident of Village- Harirampur,
P.S.- Baisi, District- Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Prawesh Kumar, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-09-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual Court proceedings.

This is an appeal under Sections 14 (A) (2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act, 1989 against the refusal of prayer for bail vide order dated 10.06.2021 passed by the learned Additional Sessions Judge, 1st cum Special Judge (S.C./S.T. Act), Purnea, in connection with Baisi P.S. Case No. 130/2021 giving rise to Special SC/ST Case No. 72 of 2021 registered under Sections 147/148/149/ 323/341, 504, 506, 379, 436, 354(B) of the Indian Penal Code and Sections 3 (i)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Prosecution case in brief is that the informant was doing work with labour, in the meantime FIR named accused



persons came with weapons and started abusing and assaulting the informant and also torn the cloths. The accused persons sprinkled petrol in the house of the informant and open fire and also took the box containing articles.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in this case. There is no offence under SC/ST Act is made out against the appellant. The allegation levelled against the appellant is not specific rather general and omnibus in nature. No incriminating articles has been recovered from the conscious possession of the appellant. The statement recorded under Section 164 Cr.P.C., the informant has taken the name of the appellant and there is specific allegation against the appellant but the occurrence has been taken place two months before. Appellant has been languishing in custody since 23.05.2021 and has one criminal antecedent which is mentioned in para 3 of the bail application.

Learned Special P.P. for the State opposed the prayer for bail.

Considering the aforesaid facts, let the appellant, above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two



sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Purnea in connection with Baisi P.S. Case No. 130/2021 giving rise to Special SC/ST Act Case No. 72/2021.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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