

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3218 of 2021**

Arising Out of PS. Case No.-266 Year-2021 Thana- JOGAPATTI District- West Champaran

1. KALIM HUSSAIN S/o Mustaque Ansari R/o village- Jagiraha Pipara, P.S.- Yogapatti, District- West Champaran
2. Wajid Ali S/o Mustaque Ansari R/o village- Jagiraha Pipara, P.S.- Yogapatti, District- West Champaran

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar
For the Respondent/s : Mr. Binay Krishna

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

2 24-09-2021 Heard learned counsel for the appellants 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 bail vide order dated 16.07.2021 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Bettiah, West Champaran in connection with Yogapatti P.S. Case No. 266 of 2021 registered under Sections 147/149/341/323/337/ 338/ 325/ 307/504/506 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

The prosecution case, in brief, is that when the *Barat* of the informant's neighbour reached near the house of co-accused, Munna Miya, all the named accused person including these appellants started stopping the *Barat* stating that it should go through a different road. Upon hearing hulla, when the informant went there to mediate and pacify the dispute, all the accused person are said to have abused him by his caste name and also assaulted him by means of bricks, stone and lathi-danda, as a result of which his right hand got fractured. When the informant's neighbour Ram Babu Prasad rushed in his rescue, he was also assaulted by them causing injury in his head.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to dirty village politics. There is case and counter case between the parties. The allegation of assaulting the informant is not specific rather general and omnibus in nature. The learned lower Court has also not mentioned any injury in the impugned order. It is further submitted that no offence under Section SC/ST Act is made out against the appellants. Appellant no.1 has one criminal antecedent, whereas appellant no.2 has no criminal antecedent,



as mentioned in para-3 of this appeal. Appellants have been languishing in custody since 16.06.2021.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), West Champaran at Bettiah in connection with Yogapatti P.S. Case No.266 of 2021.

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

(Anjani Kumar Sharan, J)

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