

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.63 of 2021

Arising Out of PS. Case No.-286 Year-2019 Thana- BARSOI District- Katihar

1. MAJADUL Son of Karoon Resident of Village - Najrabari, P.S.- Barsoi, (Kachna), Distt.- Katihar.
2. Hassan Son of Haroon Resident of Village - Najrabari, P.S.- Barsoi, (Kachna), Distt.- Katihar.
3. SHAHNAWAZ Son of Late Siddique Resident of Village - Najrabari, P.S.- Barsoi, (Kachna), Distt.- Katihar.
4. Alam Son of Mustafa Resident of Village - Najrabari, P.S.- Barsoi, (Kachna), Distt.- Katihar.
5. Sijak @ Sajjad Son of Salimat Resident of Village - Najrabari, P.S.- Barsoi, (Kachna), Distt.- Katihar.
6. Najrul Son of Bataser Resident of Village - Najrabari, P.S.- Barsoi, (Kachna), Distt.- Katihar.
7. Mangala Rai Son of Ram Chandra Rai Resident of Village - Najrabari, P.S.- Barsoi, (Kachna), Distt.- Katihar.
8. Md. Rafique @ Rafique Son of Amanat Resident of Village - Najrabari, P.S.- Barsoi, (Kachna), Distt.- Katihar.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Md. Helal Ahmad, Adv.
For the Respondent/s : Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 28-10-2021 Heard learned counsel for the appellants as well as
learned Addl. P.P. for the State.

Learned counsel for the appellants is directed to remove
all the defects pointed out by the Stamp Reporter within one month.

Re. I.A. No. 1 of 2021

The present interlocutory application has been filed on
behalf of the appellants for condoning the delay in filing the instant



appeal.

For the reasons stated in paragraph Nos. 2, 3 and 4 of the I.A. and the submissions made in support thereof I.A. No. 1 of 2021 is allowed. The delay in filing the instant appeal is condoned.

This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against the refusal of prayer for bail vide order dated 30.6.2020 passed by in connection with A.B.P. No. 19 of 2020 arising out of Barsoi (Kachna) P.S. Case No. 286 of 2019, G.R. No. 563 of 2019, under sections 3(i)(r)(s) 3(2),V(a) of the SC/ST Act registered for offence punishable under sections 147, 148, 149, 341, 342, 323, 337, 353, 504, 506 of IPC and under Sections 3(i), (r), (s), 3(2), whereby and whereunder the prayer for anticipatory bail on behalf of the appellant has been rejected.

The informant, who is officer in-charge of the concerned Police Station, went to the house of accused for purpose of arrest, whereupon the appellants along with other accused persons misbehaved with him and abused him by taking his caste name.

At the outset, the learned counsel for the petitioner has submitted that the informant is an officer of police station, as such, there is no question that he was humiliated due to malicious intention of caste. He has further submitted that on similar allegation the other accused persons have been granted bail by learned coordinate Benches of this Court in Criminal Appeal (SJ) No. 1507 of 2020 and



Criminal Appeal (SJ) No. 809 of 2020. This Court does not see as to why the same benefit should not be granted to the present appellants.

Considering the facts and circumstances of the case, the impugned order dated 30.6.2020 is set aside and the appellants, in the event of their arrest or surrender within four weeks from today is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions-cum-Special Judge, Katihar in connection with Barsoi (Kachna) P. S. Case No. 286 of 2019, G.R. No. 563 of 2019.

Accordingly, this appeal is allowed.

Office shall ensure that all defects are removed by the appellant within the stipulated time provided in para-2 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

SONALI/-

U		T	
---	--	---	--

