

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.170 of 2021**

Arising Out of PS. Case No.-85 Year-2020 Thana- JAMOBABAZAR District- Siwan

1. MUSTAKIM MIYA Son of Late Machhi Miya Resident of Village - Bahadurpur Bazar, P.S.- Jamo Bazar, District - Siwan
2. Arman Ali Son of Vakhtar Hussain Resident of Village - Bahadurpur Bazar, P.S.- Jamo Bazar, District - Siwan
3. Raunak Khatoon @ Raunak Parween Daughter of Sahib Hussain Resident of Village - Bahadurpur Bazar, P.S.- Jamo Bazar, District - Siwan

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandra Kant, Advocate
For the Respondent/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 28-10-2021 Heard learned counsel for the appellants and the
learned Spl. P.P. for the State.

This appeal, under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is filed against the order dated 14.09.2020 passed in ABP No. 1244 2020 whereby and whereunder the learned Additional Sessions Judge 1st cum Special Judge (SC/ST Act) Siwan rejected the prayer of pre-arrest bail of the appellants in connection with Jamo Bazar P.S. Case No. 85 of 2020 registered under Sections 341, 323, 324, 379, 504 and 506/34 of the Indian Penal Code and Sections 3(1)(r), 3(2)(va) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Learned counsel for the appellants submits that the appellants have falsely been implicated in connection with the present case. It is further submitted that there is case and counter case between the parties. It is further submitted that no case is made out under the provisions of the SC/ST Act. It is further submitted that the appellants have no criminal antecedent.

Having considered the facts and circumstances of the case, the impugned order dated 14.09.2020 is set aside and this appeal is allowed.

Let the appellants, above named, be released on bail, in the event of his/their arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st cum Spl. Judge (SC/ST Act), Siwan in connection with Jamo Bazar P.S. Case No. 85 of 2020.

(Sunil Kumar Panwar, J)

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