

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4110 of 2021**

Arising Out of PS. Case No.-147 Year-2021 Thana- BAUSI District- Purnia

1. MD. SAKIR ALAM @ SAKIR S/o Late Shamshul Haque R/o village- Soti Tola Mathurapur, P.S.- Baisi, District- Purnea
2. Md. Ashad Raza @ Ashad @ Ashad Alam S/o Late Shamshul Haque R/o village- Soti Tola Mathurapur, P.S.- Baisi, District- Purnea

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhola Prasad, Adv.

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

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

2 16-12-2021 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

Learned counsel for the appellants is directed to remove the defects as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within stipulated period, the office will place the matter before the Bench.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 10.09.2021, passed by learned 1st Additional Sessions Judge -cum- Special Judge (SC/ST) Act, Purnea, in connection with Special SC/ST Case



No.83/2021 arising out of Baisi P.S. Case No.147/2021, registered under sections 147, 148, 149, 341, 323, 324, 307, 302, 354, 427, 379, 435, 436, 504 of the IPC and sections 3(i)(e) (g) (r) (s) (w) (2)/3(2) (iii) (iv) (v) (va) of the SC/ST Act.

The prosecution case in brief, is that all the named accused persons including the appellants assaulted the father of the informant which caused his death. It is alleged that the accused persons abused by taking caste name and set fire in may house. They also, assaulted the women and the deputed police party and also burnt the motorcycle of one Dinesh Rai.

It is submitted by learned counsel for the appellants that no such occurrence as alleged has ever taken place. Appellants are innocent and have been falsely implicated in the case. It is submitted that the appellants are said to be the member of the mob of 100-150 persons who committed the offence but the identification of individual persons in such a mob is doubtful. There is no specific allegation against the appellants rather the allegation is general and omnibus in nature. The appellants have three criminal antecedents, as mentioned in para-3 of the memo of appeal and have been languishing in custody since 21.05.2021.

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



In the facts and circumstance of the case, since there is no specific overt act, the above named appellants are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge -cum- Special Judge (SC/ST) Act, Purnea, in connection with Special SC/ST Case No.83/2021 arising out of Baisi P.S. Case No.147/2021.

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

(Anjani Kumar Sharan, J)

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