

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4040 of 2021

Arising Out of PS. Case No.-146 Year-2021 Thana- BAUSI District- Purnia

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1. MD. SAKIR ALAM @ SAKIR S/o LATE SHAMSHUL HAQUE R/o VILLAGE-SOTITOLA MATHURAPUR, P.S-BAISI, DISTRICT-PURNEA.
 2. MD. ASHAD RAZA @ ASHAD @ ASHAD ALAM S/o LATE SHAMSHUL HAQUE R/o VILLAGE-SOTITOLA 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.Binay Krishna,, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-12-2021 Heard learned counsel for the appellants 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, 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 09.09.2021, passed by learned 1st Additional Sessions Judge cum Special Judge, SC/ST Act, Purnea, in connection with Baisi P.S. Case No.146 of 2021,



registered under sections 147, 148, 149, 341, 323, 324, 307, 427, 353, 435, 504, 506 of the IPC and sections 3(1) (r) (s)/3(2) (iii) (va) of SC/ST Act.

The prosecution case in short is that due to a land dispute, all the accused persons including the appellants and 100-150 unknown persons armed variously, came at Harijan tola of Majhuwa village but the matter was pacified by the informant and his associate. It is alleged that these persons again came there at night and abused the informant, torn his uniform and assaulted the informant by giving sword blow. They also set fire the houses of the Harijan tola.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. They have been falsely implicated in this case merely on suspicion due to land dispute. There is general and omnibus allegation against all the accused persons including the appellants. There is admitted land dispute between the parties. The specific allegation of giving sword blow on the head of the informant is attributed upon the co-accused Rijwi. It is submitted that due to the land dispute, around 4-5 cases have been lodged by both the parties. It is further submitted that no case under the SC/ST Act is made out against the appellants as



no specific allegation of abusing the informant or his associates is attributed upon the appellants. The appellants have three criminal antecedents, which is also mentioned in para-3 of the memo of appeal and are languishing in custody since 04.06.2021.

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

Since, no allegation of abusing the informant or his associates is attributed upon the appellants, there is no necessity of issuing notice to the informant, which is otherwise required in a case registered under the SC/ST Act.

In the facts and circumstance of the case, 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 1st Additional Sessions Judge cum Special Judge, SC/ST Act, Purnea, in connection with Baisi P.S. Case No.146 of 2021.

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

(Anjani Kumar Sharan, J)

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