

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4099 of 2021**

Arising Out of PS. Case No.-130 Year-2021 Thana- BAUSI District- Purnia

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1. Md. Sakir Alam @ Sakir Son of Late Shamshul Haque Resident of Village - Soti Tola Mathurapur, P.S.- Baisi, District - Purnea.
  2. Md. Ashad Raza @ Ashad @ Ashad Alam Son of Late Shamshul Haque Resident of Village - Soti Tola Mathurapur, P.S.- Baisi, District - Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Bhola Prasad  
For the Respondent/s : Mr.Usha Kumari 1

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**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.

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 09.09.2021 passed by learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST Act, Purnea in connection with Special SC/ST Case No. 72 of 2021 arising out of Baisi P.S. Case No. 130 of 2021 registered under Sections 147, 148, 149, 323, 341, 504, 506, 379, 436, 354B of the Indian Penal Code and Sections 3 (I) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Prosecution case as lodged by the informant is that while the informant was getting work in her house by labourer at that time FIR named accused persons including appellant no. 1 and 70-80 unknown persons came with weapons and started abusing and assaulting the informant and torn the cloth of informant. The accused persons also set fire the house by pouring petrol.

It is submitted by learned counsel for the appellants that appellants are innocent and have been falsely implicated in this case. He submits that allegation levelled against the appellants is not specific rather general and omnibus in nature. He submits that appellant no. 2 is not present at the time occurrence rather brother of the appellant no. 1 was present at the time of occurrence as such the name of the appellant no. 1 has been implicated. He further submits that appellants bear three criminal antecedent as stated in para-3 of this petition and they are languishing in judicial custody since 05.06.2021.

Learned Spl. PP for the State and informant oppose the prayer for bail.

Considering the facts and circumstances of the case, the above named appellants, 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 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST Act, Purnea in connection with Special SC/ST Case No. 72 of 2021 arising out of Baisi P.S. Case No. 130 of 2021.

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

**(Anjani Kumar Sharan, J)**

devendra/-

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