

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.503 of 2021**

Arising Out of PS. Case No.-442 Year-2020 Thana- SIKARPUR District- West Champaran

Shaukat Miyan (Male), aged about 28 years, son of Alim Miyan, resident of
village - Takiya, P.S.-Shikarpur, District- West Champaran.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Aditya Nath Jha, Advocate
For the State : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 29-10-2021

Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “the SC/ST Act”) has been filed challenging the order dated 12.10.2020 passed by learned Court of 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran, in A.B.P. No.1487 of 2020, in connection with Shikarpur P.S. Case No. 442 of 2020, registered for the offence punishable under Sections 341, 323 and 504/34 of the Indian Penal Code and under Section 3(i)(r) of the SC/ST Act, whereby he has rejected the appellant’s prayer for anticipatory bail.

It is submitted by the appellant that from reading of the F.I.R., it is clear that the offences under SC/ST Act have



been added to make the case non-bailable and the case has been registered mala fide due to dispute over service of notice.

In these circumstances, this appeal is allowed. Accordingly, the impugned order dated 12.10.2020 passed by learned Court of 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran, in A.B.P. No.1487 of 2020, in connection with Shikarpur P.S. Case No. 442 of 2020, is set aside.

Let the appellant, above named, in the event of his arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran, in connection with Shikarpur P.S. Case No. 442 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sandeep Kumar, J)

pawan/-

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

