

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.751 of 2021

Arising Out of PS. Case No.-462 Year-2020 Thana- MESKAUR District- Nawada

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1. NAJNI KHATOON, D/o Md. Sami Ahmad R/o village- Adhgawan, P.S.- Maskaur, District- Nawada
 2. Gyash Khan @ Gayasuddin S/o Late Idrish Khan R/o village- Adhgawan, P.S.- Maskaur, District- Nawada

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijendra Kumar

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 30-06-2021 Heard Mr. Devendra Prasad Singh, learned Advocate for the appellants and Ms. Usha Kumari, learned Special Public Prosecutor for the State.

The appellants have challenged the order 26.11.2020, passed by the learned Special Judge SC/ST cum A.D.J. 1st, Nawada, in A.B.P. No. 1549 of 2020, arising out of Special Case No. 247 of 2020 (Sirdala (Maskaur) P. S. Case No. 462 of 2020), whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 147, 149, 341, 323, 504, 506 and 308 of the



Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

It has been urged on behalf of the appellants that though they have been named in the F.I.R. but no specific accusation has been levelled against them. The act of assault has been attributed to one Md. Sahanabaj. The allegation of abusing the informant appears to have been added in the F.I.R. only for the purposes of giving a serious colour to this case.

The cause of occurrence also is not clearly established.

It has also been submitted that there is a counter version of the occurrence.

The learned Advocate for the appellants, therefore, submits that no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can, at all, be said to have been made out.

Regard being had to the afore-stated facts, the



order dated 26.11.2020, passed by the learned Special Judge SC/ST cum A.D.J. 1st, Nawada, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST cum A.D.J. 1st, Nawada, in connection with Special Case No. 247 of 2020 (Sirdala (Maskaur) P. S. Case No. 462 of 2020), subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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