

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4193 of 2021

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

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ILIAS @ ILIAS Son of Late Tazuddin Resident of Village - Niyamatpur,
Majhwa, P.S. - Baisi, District - Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Raj Kumar, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

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

Learned counsel for the appellant 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 Sections 14A (2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 09.09.2021 passed by the learned 1st Additional Sessions Judge- cum Special Judge (S.C./S.T. Act), Purnea, in connection with Baisi P.S. Case No. 130/2021 giving rise to Special Case No. 72 of 2021, registered under Sections 147,148,149,323,341,504,506, 379,436,354(B) of the Indian Penal Code and Sections 3 (i)(r)



(s) of the Scheduled Castes and Scheduled Tribes Act.

Prosecution case in brief is that the informant was doing construction work in her house, in the meantime FIR named accused persons along with 70-80 unknown persons, came armed with weapons, started abusing and assaulting the informant and also torn the cloths. The accused persons set fire in the house of informant and took the box containing articles.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in this case due to local village politics. No offence under SC/ST Act is made out against the appellant as the allegation of abuse attributed against the appellant and others has not taken place in public view but in the house of the informant. The allegation levelled against the appellant is not specific rather general and omnibus in nature. No incriminating articles has been recovered from the conscious possession of the appellant. Similarly situated co-accused namely Junaid Alam has been granted bail by this Court vide order dated 24.09.2021 passed in Cr. Appeal (SJ) No.2979 of 2021. Appellant has been languishing in custody since 05.06.2021 and has three criminal antecedents, which is mentioned in para 3 of the bail application.



Learned Special P.P. for the State opposed the prayer for bail.

Since the allegation of abusing the informant attributed upon the appellant and others has not taken place in public view, as such, no case under the SC/ST Act is made out against the appellant and therefore, no notice is required to be issued to the informant.

Considering the aforesaid facts, let the appellant, above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge- cum Special Judge (S.C./S.T. Act), Purnea, in connection with Baisi P.S. Case No. 130/2021 giving rise to Special Case No. 72 of 2021.

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

(Anjani Kumar Sharan, J)

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