

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3327 of 2019

Arising Out of PS. Case No.-1653 Year-2018 Thana- COMPLAINT CASE District- Jamui

1. RANJAN BARNWAL Son of Vijay Prasad Barnwal Resident of Village - Saron, P.S.- Chakai, District - Jamui
2. Tahir Miya @ Tahir Barnwal Son of Sohmat Ali Resident of Village - Saron, P.S.- Chakai, District - Jamui
3. Pappu Barnwal Son of Ramdev Barnwal Resident of Village - Saron, P.S.- Chakai, District - Jamui
4. Raju Miya Son of Usman Miya Resident of Village - Basmata, P.S.- Chakai, District - Jamui
5. Md. Jabbar Miya @ Md. Jabbar Ali @ Jabbar Miya Son of Late Sahmat Miya Resident of Village - Basmata, P.S.- Chakai, District - Jamui
6. Md. Bolal Miya @ Md. Bolal @ Balal Miya Son of Late Halim Miya Resident of Village - Basmata, P.S.- Chakai, District - Jamui
7. Mazid Miya Son of Jabbar Miya Resident of Village - Basmata, P.S.- Chakai, District - Jamui

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Binod Kumar Vishwakarma Son of Brahamdev Vishwakarma Resident of Village - Saron, P.S.- Chakai, District - Jamui

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amrendra Kumar, Adv.
For the Respondent/s : Mr.Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 30-11-2021 Heard learned counsel for the appellants, informant 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 anticipatory bail



vide order dated 02.07.2019 passed by learned A.D.J., 1st, Jamui in connection with Complaint Case No. 1653C/2018 registered under Sections 147, 323, 380 of the Indian Penal Code, Sections 3 (I) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that they came to the shop of the complainant and started abusing him by caste name. On protest, all entered into the shop, assaulted by lathis, danda, fists and slaps and also looted away Rs. 18,000/-.

It is submitted by learned counsel for the appellants that appellants are innocent and have been falsely implicated in this case. He submits that the appellants bear no criminal antecedent as stated in para-3 of this petition. Later on, learned counsel for the appellants has filed the supplementary affidavit wherein in para-6 it has been stated that appellants bear one criminal antecedent. He further submits that said occurrence had taken place inside the shop of the informant, therefore, SC/ST Act is not applicable against the appellants.

However, learned Spl. PP for the State and informant oppose the prayer for bail and submits that appellants are involved in the present case.

Considering the facts and circumstances of the



case, the above named appellants in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 A.D.J., 1st, Jamui in connection with SC/ST Case No. 81 of 2019 and Complaint Case No. 1653C/2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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