

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4892 of 2019

Arising Out of PS. Case No.-767 Year-2019 Thana- BIHTA District- Patna

1. SAHAMAN KURAIISI @ SABBAN KASAI Son of Mohammad Lokaman Resident of Village - lai, P.S.- Bihta, Distt.- Patna.
2. Md. Dildar Kuraysi @ Dildad Kasai Son of Md. Khurshid Kuraiysi @ Khurshid Kasai Resident of Village - lai, P.S.- Bihta, Distt.- Patna.
3. Md. Dilsad Kuraishi @ Dirsad Kasai Son of Md. Khurshid Kuraiysi @ Khurshid Kasai Resident of Village - lai, P.S.- Bihta, Distt.- Patna.
4. Md. Sufiyan Kuraisi @ Sufiyan Kasai Son of Md. Imtiyaz Kuraisi Resident of Village - lai, P.S.- Bihta, Distt.- Patna.
5. Jalil Kurasi @ Jalla Kasai Son of Akhtar Kuraisi @ Akhtar Kasai Resident of Village - lai, P.S.- Bihta, Distt.- Patna.
6. Aslam Kueraysi @ Aslam Kasai Son of Akhtar Kuraisi Resident of Village - lai, P.S.- Bihta, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mahboob Ashraf
For the Respondent/s : Mr.Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 29-11-2021 Heard the parties.

Learned counsel for the appellants has filed a supplementary affidavit in the present case stating therein that there is a compromise between the parties. The same is taken on record.

Since the parties have compromised, there is no requirement of issuing notice to the informant.

This is an appeal under section 14(A) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 21-09-2019 passed by learned Additional Sessions Judge-20-cum-Special Judge, SC/ST, Patna, in connection with Bihta P.S. Case No.767 of 2019 (Special Case No.378 of 2019), registered under sections 341,323,324,307,504,506/34 of the IPC and sections 3(1)(r) of the SC/ST Act.

The prosecution case in brief, is that the accused persons came in the field of the informant, started using filthy language and assaulted the informant. The informant tried to flee away but the accused persons assaulted him with lathi and threatened to kill him. On alarm, informant's family members reached there, but they were also assaulted.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. The appellants have no concern with the aforesaid occurrence and have been falsely implicated in the case. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of slating the informant levelled against the appellants is not specific rather general and omnibus in nature. The accusation does not constitute any offence under



SC/ST Act is made out inasmuch as there is no allegation that alleged occurrence has taken place in public view. It is further submitted that there is a compromise between the parties. The appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for anticipatory bail.

In the facts and circumstance of the case, since there is compromise between the parties, the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned learned Additional Sessions Judge-20-cum-Special Judge, SC/ST, Patna, in connection with Bihta P.S. Case No.767 of 2019 (Special Case No.378 of 2019), 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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