

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5089 of 2019

Arising Out of PS. Case No.-255 Year-2018 Thana- CHANPATIA District- West Champaran

Mojahir Mian @ Mojhayeer Mian @ Mojhair Mian, Son of Late Oli Mian,
Resident of Village Bankat Kaithwalia, P.S. Chanpatia, District West
Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 02-12-2021 I.A. No.1 of 2019 has been filed condonation of delay
of two days in filing the present appeal.

For the reasons stated in the interlocutory application,
I.A. No.1 of 2019 is allowed.

Heard learned counsel for the appellant and learned
Special P.P. 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 referred to as 'the SC/ST Act')
against the refusal of prayer of anticipatory bail vide order dated
23.07.2019, passed by learned 1st Additional District & Sessions
Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, West
Champaran in connection with Chanpatia P.S. Case No.255 of



2018, registered under Sections 341/342/323/354B/379/504/34 of the Indian Penal Code and Sections 3(i)(r)(w) of the SC & ST (POA) Act.

The allegation against the appellant is that he abused the informant by naming her caste and assaulted on her private part with *Lavedi*.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. There is land dispute between the parties, details of which has been mentioned in para 3 of the supplementary affidavit filed by the appellant. It is further submitted that the informant has also filed another case of similar nature against the appellant.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellant and submitted that the appellant was also present at the place of occurrence and he also abused the informant by naming her caste.

Considering the fact that there is land dispute between the parties, no notice is required to be issued to the informant.

Having considered the facts aforesaid, let appellant, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged 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 District & Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, West Champaran in connection with Chanpatia P.S. Case No.255 of 2018.

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

(Anjani Kumar Sharan, J.)

Sanjay/-

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

