

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5195 of 2019

Arising Out of PS. Case No.-71 Year-2016 Thana- SAKATPUR District- Darbhanga

1. HAROON BAKHO S/O Sabbi Bakho Resident of Village - Lagma, P.S.- Sakatpur, District - Darbhanga.
2. Samsuddin Bakho @ Samsudi Bakho S/O Sabbi Bakho Resident of Village - Lagma, P.S.- Sakatpur, District - Darbhanga.
3. Kalim Bakho Sahjada S/O Samsuddin Bakho @ Samsudi Bakho Resident of Village - Lagma, P.S.- Sakatpur, District - Darbhanga.
4. Irphan Bakho @ Md Irphan Bakho S/O Samsuddin Bakho @ Samsudi Bakho Resident of Village - Lagma, P.S.- Sakatpur, District - Darbhanga.
5. Kafil Bakho @ Kapil Bakho S/O Samsuddin Bakho @ Samsudi Bakho Resident of Village - Lagma, P.S.- Sakatpur, District - Darbhanga.
6. Shahid Bakho @ Md Shahid Bakho S/O Tahir Bakho Resident of Village - Lagma, P.S.- Sakatpur, District - Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kedar Jha

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-12-2021 Heard the counsel for the parties.

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 for anticipatory bail vide order dated 25-10-2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge [SC & ST (POA) Act], Darbhanga, in connection with Sakatpur P.S. Case No.71 of 2016, registered under



sections 147/ 149/ 341/ 323/ 504 of the IPC and sections 3(i)(r)/3[1][s] of the SC/ST (POA) Act.

The prosecution case in brief is that the accused persons were damaging the government road of village and was objected by the informant, then the accused persons started brick pelting from the courtyard. The accused persons abused in the caste name and assaulted the informant.

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 due to dirty village politics for not casting the vote to men in power in panchayat election. Whole family member has been made accused in this case by the informant. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant in the name of caste is not said to have been made in public view, hence, no offence under SC/ST Act is made out against the appellants. The appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for anticipatory bail and submits that all the appellants have abused the informant taking the caste name in the public road, as such,



SC/ST Act is made out against them.

In the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the appellants. The prayer for anticipatory bail is hereby rejected.

Accordingly, the appeal is dismissed.

However, the appellants are directed to surrender before the learned Court below within a period of four weeks from today and seek regular bail.

It is expected that, the learned court below shall consider and dispose of the prayer for regular bail of the appellant on the same day, on its own merit, without being prejudiced by the dismissal of this appeal.

(Anjani Kumar Sharan, J)

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