

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.332 of 2022

Arising Out of PS. Case No.-175 Year-2020 Thana- BAISI District- Purnia

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1. TANJIR @ MD. TANJIL ALAM @ MD. TANJIR S/o- Late Moram @ Md. Taiyab Ali Rizwai
 2. Md. Maibul @ Md. Mahebul @ Mohibul Haque @ Maibul Son of Late Rajju
 3. Md. Firoz @ Md. Firoz Alam S/o Abdul Wahab
 4. Md. Musfique @ Musfique S/o Late Mushraf Ali, 1 to 4 Resident of Village- Bagdob, P.S.- Baisi, District- Purnea.
 5. Md. Manowar Hussain @ Md. Manwar S/o Mazhar @ Hannan R/o Village- Madhepur Tola Bagdob, P.S.- Balrampur, District- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Sukhiya Devi W/o Horen Roy R/o Vill- Bagdob, P.S.- Baisi, District- Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nafisuzzoha, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2022 Heard learned 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 29.10.2021 in A.B.P. No. 105 of 2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Purnea in connection with Baisi P.S. Case No. 175 of 2020 registered under Sections 147, 341, 323, 506,



504 of the Indian Penal Code as well as Sections 3(iv)(v) of the SC/ST Act.

Learned counsel for the appellants submits that appellants no. 1 to 4 are persons with clean antecedent and appellant no. 5 is a law student and has antecedent of one case, but, the police, after investigation, submitted final form against him. It is further submitted that the said case was also instituted from the side of the present informant.

The present FIR has been instituted by the informant alleging therein that the appellants came to the house of the informant, started abusing and threatened to withdraw the earlier case and even assaulted and also disrobed her and when her neighbour came they were also assaulted and one woman Satani Devi was also disrobed. The occurrence took place on account of land dispute as the husband of the informant is a Purcha holder of one acre of land settled by the State Government in his favour.

Learned counsel for the appellants submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the same is cryptic and vague and the allegations are general and omnibus in nature. It is further submitted that the entire occurrence took place at the house of



the informant, as such, it was not in public view. It is further submitted that though it is alleged that the informant was assaulted but then the case is under Section 323 of the Indian Penal Code. It is also submitted that the land belonged to the appellants and it was wrongly settled in favour of the husband of the informant which subsequently came to be cancelled. It is also submitted that earlier also from the side of the informant Complaint Case No. 3548 of 2014 was instituted against the side of the present appellants by the brother-in-law of the present informant. Learned counsel next submits that even assuming what has been alleged is true without admitting then also prima facie no case under the SC/ST Act is made out as the occurrence never took place in a public view and the allegation of disrobing is ornamental to give serious colour to the case.

Learned Special Public Prosecutor opposed the prayer for anticipatory bail of the appellants but is not able to rebut the submission of the learned counsel for the appellants that no specific allegation has been alleged against any of the appellants and the occurrence took place in the house of the informant and, thus, was not in public view.

Considering the submissions made by the learned counsel for the appellants, let the appellants, above named, in



the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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