

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1193 of 2021

Arising Out of PS. Case No.-188 Year-2020 Thana- KHODAWANDPUR District- Begusarai

1. Md. Mobin @ Md. Movin S/O Sadrul @ Md. Sadrul R/O Village Sirsi, Ward No. 08, P.S.- Khodawandpur, District Begusarai.
2. Md. Sadrul @ Sadrul S/O Ibrahim @ Md. Ibrahim R/O Village Sirsi, Ward No. 08, P.S.- Khodawandpur, District Begusarai.
3. Santaj @ Md. Santaj @ Saitaj S/O Nagina R/O Village Sirsi, Ward No. 08, P.S.- Khodawandpur, District Begusarai.
4. Md. Rustam S/O Ibrahim @ Md. Ibrahim R/O Village Sirsi, Ward No. 08, P.S.- Khodawandpur, District Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Amar Das Late Ghuttar Das Resident of Village-Sirsi,P.S-Khodawandpur,District-Begusarai

... .. Respondent/s

Appearance :

For the Appellants : Mr. Sandip Kumar Gautam, Advocate
For the State : Ms. Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 30-11-2022 Heard learned counsel for the appellants and learned
Special P.P. for the State.

Learned counsel for the appellants undertakes to remove the defect(s), as pointed out by the office, within a period of four weeks.

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 22.12.2020, passed by learned Special Judge, S.C./S.T. (POA)



Act, Begusarai in connection with Khodwandpur P.S. Case No.188 of 2020, registered under Sections 147, 149, 323, 307, 354(B), 379, 504, 506, 324 and 325 of the Indian Penal Code and Sections 3(i)(r)(s)(w)/3(2)(va) of the SC/ST Act.

The appellants alongwith other co-accused persons variously armed came at the house of the informant. Mobin, petitioner no.1 is said to have assaulted Daibanti Devi by means of iron rod on her hand causing fracture injury and appellant no.2, Md. Sadrul snatched earring made of gold from possession of Hira Devi.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that appellant no.1, Md. Mobin is said to have assaulted Daibanti Devi by means of iron rod on her hand, but the injury sustained by Daibanti Devi is simple in nature. It is also submitted that appellant no.2 is said to have abused the informant by naming her caste. It is submitted that there is case and counter case between the parties. It is also submitted that there is admitted land dispute between the parties. Learned counsel for the appellants relies upon the



judgment of the Hon'ble Apex Court passed in the case of *Hitesh Verma Vs. State of Uttarakhand and another.*, reported in *(2020) 10 SCC 710*.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants.

Having considered the facts aforesaid, let appellants, above named, 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 bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, Begusarai in connection with Khodwandpur P.S. Case No.188 of 2020, subject to the conditions 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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