

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.614 of 2022

Arising Out of PS. Case No.-166 Year-2019 Thana- BANMANKHI District- Purnia

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1. MD. SHAKIL AHMAD Son of Md. Jahur Alam Resident of Village - Shukhia, Ram Nagar, Police Station - Janki Nagar, District - Purnea.
 2. Md. Fulhasan @ Md. Phool Hasan son of Md. Jahur Alam Resident of Village - Shukhia, Ram Nagar, Police Station - Janki Nagar, District - Purnea.
 3. Md. Munna @ Sarbaraj Ahmad @ Sarfaraj Ahmad Son of Md. Shakil Ahmad Resident of Village - Shukhia, Ram Nagar, Police Station - Janki Nagar, District - Purnea.
 4. Md. Chunna @ Sajid Ahmad Son of Md. Shakil Ahmad Resident of Village - Shukhia, Ram Nagar, Police Station - Janki Nagar, District - Purnea.
 5. Md. Shamim @ Md. Shamim Akhtar @ Shamim Akhtar Son of Md. Jahur Alam Resident of Village - Shukhia, Ram Nagar, Police Station - Janki Nagar, District - Purnea.
 6. Md. Firoj Son of Md. Jahur Alam Resident of Village - Shukhia, Ram Nagar, Police Station - Janki Nagar, District - Purnea.
 7. Md. Tunna @ Sakib Ahmad Son of Md. Shakil Ahmad Resident of Village - Shukhia, Ram Nagar, Police Station - Janki Nagar, District - Purnea.
 8. Md. Saddan @ Md. Laddan Alam Son of Md. Jahur alam Resident of Village - Shukhia, Ram Nagar, Police Station - Janki Nagar, District - Purnea.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. Gita Devi wife of Satya Narayan Ram Resident of Village - sukhia More, Ward No. 16, Police Station - Banmankhi, District - Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uday Chand Prasad
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-11-2022 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State as well as learned counsel appearing on behalf of respondent no.2.

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 13.01.2022, passed by learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Purnea in connection with Banmankhi P.S. Case No.166 of 2019, registered under Sections 448, 341, 323, 379/34 of the Indian Penal Code and Section 3(1)(r)(s)(w) of the SC/ST Act.

The appellants are said to have entered into the house of the informant and assaulted her. It is also alleged that the appellants abused the informant by naming her caste also. Appellants No.1, 5 and 6, namely, Md. Shakil Ahmad, Md. Shamim and Mr. Firoj are said to have snatched earring made of gold and cash Rs.15,000/- from possession of the informant.

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 criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that there is land dispute between the parties and title suit is also going on. It is submitted that the occurrence took place on 02.07.2019, but FIR was lodged on 05.07.2019 after delay of three days without giving any explanation which creates a serious doubt on the veracity of the prosecution case.



Learned Special P.P. for the State as well as learned counsel for respondent no.2 opposed the prayer for anticipatory bail of the appellants by submitting that the appellants have abused the informant by naming her caste.

From perusal of the FIR, it is clear that occurrence took place inside the house of the informant, therefore, no case is made out under the provisions of SC/ST Act.

Considering 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 Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Purnea in connection with Banmankhi P.S. Case No.166 of 2019, subject to the conditions 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)

Sanjay/-

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