

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.902 of 2022

Arising Out of PS. Case No.-381 Year-2021 Thana- BHAGWAN BAZAR District- Saran

MD. SALAUDDIN @ MD. SALAUDDIN ANSARI S/o Md. Akbar R/o
Village- Jalalpur, P.S.- Ravilganj, District- Saran

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tej Pratap Singh
For the Respondent/s : Mr. Anil Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 13-10-2022 Learned counsel for the appellant is directed to remove all
the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the appellant as well as learned
counsel for the informant.

This appeal has been preferred on behalf of the appellant
under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act for setting aside the order dated
23.02.2022 passed by the learned court of IIIrd Addl. District and
Sessions Judge-cum-Special Judge SC/ST, Act, Saran in Bhagwan
Bazar P.S. Case No. 381 of 2021, registered for the offences
punishable under Sections 341, 323, 324, 307, 379, 504/34 of the
Indian Penal Code & Section 3(1)(r)(c) of SC and ST (Prevention of
Atrocities) Act, whereby the prayer for anticipatory bail of the
appellants has been rejected.



The informant Vishal Kumar has stated in his fardbeyan that when he was going to bring vegetables the appellant Md. Salauddin Ansari demanded money from him. On denial he abused and also called his caste name and inflicted knife blows on his left scapular region.

Learned counsel for the appellant has submitted that the appellant is a person of clean antecedent. The occurrence has not taken place due to malicious feeling of caste as the members of prosecution side have badly assaulted the members of defense side and in this respect Bhagwan Bazar P.S. Case No. 353 of 2021 has been lodged and the present case has only been lodged in order to save them from that case. The case lodged by the defense side is prior to the present case.

In these circumstances, the provisions of SC/ST Act is not attracted prima facie. As such, the appeal is allowed and the impugned order dated 23.02.2022 passed by the learned IIIrd Addl. District and Sessions Judge-cum-Special Judge SC/ST, Act, Saran is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellant above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned IIIrd Addl. District and Sessions Judge-cum-Special Judge SC/ST, Act, Saran in connection with Bhagwan Bazar



P.S. Case No. 381 of 2021.

Office shall ensure that all defects are removed by the
appellant within the stipulated time provided in para-1 hereinabove,
failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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