

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1815 of 2022**

Arising Out of PS. Case No.-21 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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AFROZ KHAN @ AFROJ ALAM SON OF LATE ALISHER KHAN
RESIDENT OF MOHALLA- BASEARIYA GHUSUKPURA WARD NO 31
POLICE STATION- BETTIAH TOWN DISTRICT- WEST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. FUL KUMARI DEVI WIFE OF SHAMBHU RAM RESIDENT OF
MOHALLA- AMBEDKAR COLONY BASWARIYA WARD NO 31, P.S-
BETTIAH TOWN, DIST- WEST CHAMPARAN

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Sachida Nand Rai
For the Respondent/s	:	Mrs.Usha Kumari 1
		Mr.Murari Sharan Tiwari

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

- 3 28-09-2022 Heard learned counsel for the appellant, learned

Special P.P. for the State and learned counsel appearing on

behalf of respondent no. 2.

The present appeal has been filed against order dated
13.07.2021 passed by learned A.D.J.-I-cum-Special Judge
(SC/ST), Bettiah, West Champaran in Bettiah Town P.S. Case
No. 21 of 2021 registered for the offence punishable under
Sections 406, 420, 323, 341, 354(B), 379 of the Indian Penal
Code and Section 3(i)(x) of the Scheduled Castes and the
Scheduled Tribes (POA) Act (for short “SC/ST Act”), whereby
the prayer for anticipatory bail of appellant was rejected.



As per F.I.R., this appellant, despite taking Rs. 11,00,000/- from the informant, did not execute the land in favour of the informant and when informant demanded her money back, the appellant refused to return money and appellant alongwith other co-accused abused the informant by caste name and also assaulted her.

Learned counsel for the appellant submits that from bare perusal of F.I.R., it appears that the dispute is arising out of money transaction. In fact, money was taken by brother of appellant Firoz Khan and agreement was entered between brother of appellant and informant and appellant has been made accused only due to the fact that he is brother of co-accused Firoz Khan. There is no specific allegation against this appellant of abusing the informant. The place of occurrence is door of the appellant, which is not a public place, and as such, no case under the SC/ST Act is made out.

However, learned counsel for the respondent no. 2 vehemently opposed the appeal and submitted that appellant is named in the F.I.R. and he has also participated in the assault.

Considering the facts & circumstances and the fact that there is no specific allegation against this appellant, the impugned order dated 13.07.2021 is, hereby, set aside and this



appeal is allowed.

Accordingly, in the event of arrest or surrender before the court below within a period of six weeks from today, let the above-named appellant be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-I-cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 21 of 2021.

(Prabhat Kumar Singh, J)

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