

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3089 of 2021**

Arising Out of PS. Case No.-34 Year-2021 Thana- JALALGARH District- Purnia

MD. SHAHBAZ ALAM @ SAHBAJ @ SAHBAJ ALAM Son of Jahangir
Resident of Village Asiyani, P.S. Jalalgarh, District - Purnea.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Shanti Tuddu W/o Ram Hembrum Resident of Village-Piparpati ,Santhali Tola, Ward No-11, P.S-Jalalgarh, District-Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijendra Kumar Singh
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 18-10-2022 By order dated 10.05.2022, notice was issued to respondent no.2. The office points out that notice has been validly served upon respondent no.2, but today nobody appears on her behalf.

Heard learned counsel for the appellant and learned Special P.P. for the State.

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 22.06.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Purnea in connection with Jalalgarh P.S. Case No.34 of 2021, registered under Sections 147, 148, 149, 447, 448,



341, 323, 325, 427, 435, 354, 380, 452 and 307 of the Indian Penal Code and Section 3(i)(r) of the SC/ST Act.

It is alleged that one Naushad and another had entered into the house of one Ruplal Murmu for the purposes of establishing physical/sexual contact with his wife viz. Koshtan Marandi. However, Naushad was made a captive by the members of the prosecution party and because of the assault perpetrated on him, he died. In retaliation to such act and the death of Naushad, many persons are said to have come to the house of aforesaid Ruplal Murmu and the members of that particular tribe were assaulted by the accused persons including the appellant. An attempt was also made by the accused persons to outrage the modesty of the female members of the prosecution party.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is further submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is submitted that there is general and omnibus allegation against all the accused persons including the appellant. It is further submitted that there is nothing on record to show that the appellant has abused the informant by naming her caste. It is also submitted that similarly situated co-accused persons have already been enlarged on anticipatory by a co-ordinate Bench of this Court vide order



dated 07.09.2021, passed in Criminal Appeal (SJ) No.3307 of 2021.

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

Taking into consideration the fact that similarly situated co-accused persons have been enlarged on anticipatory bail by a co-ordinate Bench of this Court, let appellant, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Purnea in connection with Jalalgarh P.S. Case No.34 of 2021, 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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