

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3279 of 2021**

Arising Out of PS. Case No.-113 Year-2021 Thana- PANCHRUKHI District- Siwan

PARVEZ ALAM Son of Late Salauddin Khan R/o Village- Bishwambharpur,
P.S.- Pachrukhi, District- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ranjeet Kumar Pandey, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
For the Informant	:	Mr.Awadhesh Kumar Mishra, Adv.

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

4 04-01-2022 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State through virtual mode.

This is an appeal under section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 19.07.2021, passed by learned ADJ-1-cum-Special Court, Siwan, in connection with Pachrukhi P.S. Case No.113/2021, registered under sections 341, 347, 323, 307, 379, 354, 504, 506/34 of the IPC and section 3(i)(s)/3(v)(va) of SC/ST (Prevention of Atrocities) Act.

The prosecution case in brief, is that the appellant along



with other accused persons armed variously came to the informant, abused calling caste name and on protest the accused persons assaulted him. It is alleged that the appellant has assaulted the informant's father by means of farsa on his head.

It is submitted by learned counsel for the appellant that the appellant is innocent person and has committed no offence. He has been falsely implicated in this case. No such occurrence as alleged has ever taken place, in the manner as alleged in the FIR but only with intention to harass the appellant, he has been dragged in this case on account of land dispute. There is general and omnibus allegation against the appellant and other accused persons. There is no allegation of repetition of blow against the appellant. Some of the accused persons have already been granted regular bail by the learned court below itself. It is further submitted that the accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. The FIR has not been lodged on the same day but the same was lodged on next day with frivolous allegations. The appellant has no criminal antecedent and has been languishing in custody since 09.07.2021.

Learned Spl. PP for the State as well as learned counsel



for the informant opposed the prayer for bail on the ground that there is specific allegation against the appellant and the injuries sustained by the informant's side is grievous in nature, which is also mentioned in the impugned order and the case diary.

Considering the submissions of the parties and on perusal of the record, including the case diary, it is evident that there is no allegation that the appellant has repeated the farsa blow, which goes to show that there was no intention to kill and the appellant has already undergone custody for nearly six months, as such, I am inclined to enlarge the appellant on bail.

In the aforesaid circumstances, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ-1-cum-Special Court, Siwan, in connection with Pachrukhi P.S. Case No.113/2021.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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