

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4073 of 2021**

Arising Out of PS. Case No.-320 Year-2020 Thana- BETTIAH CITY District- West
Champaran

MD.SHAHJAD @ SHAHJAD ALI Son of Bakhtiyar Ahmad @ Ahmad
Bakhtiyar Resident of Mohalla- Ujjain Tola, Shanti Nagar, P.S.- Bettiah Town,
District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shambhu Baitha Son of Late Indradeo Baitha Resident of village- Gidhaura,
Chaubey Tola, P.s.- Kumar Bagh, O.P. Chanpatiya, Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vikas Ratan Bharti
For the Respondent/s : Ms.Usha Kumari 1

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

ORAL ORDER

4 05-09-2022 The learned counsel for the appellant is directed to

remove all the defects pointed out by the office within one

month.

Heard learned counsel for the appellant. None
appeared on behalf of respondent no. 2 in spite of notice served
on him.

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, 1989 for setting
aside the order dated 29.08.2020 passed by the learned 1st
Additional Sessions Judge-cum-Special Judge, under SC/ST



Act, West Champaran at Bettiah in connection with Bettiah Town P.S. Case No. 320 of 2020 registered for offence punishable under sections 341, 323, 379, 384, 504, 506/34 of the Indian Penal Code and sections 3 (i) (r) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

As per allegation, when the informant asked for the dues of cloth press, the appellant abused him and demanded Rs.5,000/- as ransom. He also ordered him that he would have to iron his cloths without payment of money. It is alleged further that 15-20 persons came to his shop and they assaulted one Chhotu Mishra.

The learned counsel for the appellant has submitted that the appellant is a student of clean antecedent. The occurrence did not take place due to malicious feeling of caste.

Considering the above-mentioned facts and circumstances, as well as the clean antecedent of the appellant, the appeal is allowed and the impugned order dated 29.08.2020 is set aside.

Accordingly, the appellant, in the event of arrest or surrender before the court below within four weeks from today, is directed to be released on anticipatory bail on furnishing bail



bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, under SC/ST Act, West Champaran at Bettiah in connection with Bettiah Town P.S. Case No. 320 of 2020.

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

(Nawneet Kumar Pandey, J)

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