

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.608 of 2021**

Arising Out of PS. Case No.-11 Year-2020 Thana- SC/ST District- Katihar

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1. Sk. Saheb @ Md. Saheb Son Of Sk. Mustafa @ Mustafa @ Md. Mustafa Resident Of Village- Nayatola, Gopalpur,P.S-Amdabad, Distt.- Katihar
 2. S.K. Babua @ Iztenab Alam Son Of Sk. Mustafa @ Mustafa @ Md. Mustafa Resident Of Village- Nayatola, Gopalpur,P.S-Amdabad, Distt.- Katihar
 3. Sk. Chhakku @ Sk. Rohaid Son Of Sk. Mustafa Resident Of Village- Nayatola, Gopalpur,P.S-Amdabad, Distt.- Katihar
 4. Sk. Bablu @ Bablu Son Of Sk. Bahadur Resident Of Village- Nayatola, Gopalpur,P.S-Amdabad, Distt.- Katihar

... .. Appellant/s

Versus

1. The State Of Bihar.
2. Nikhil Ravidas Son of Saryug Ravidas R/o Nirpur, P.S.- Amdabad, Dist- Katihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar Singh

For the Respondent/s : Mr. A.G

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

5 27-09-2022 Heard learned counsel for the appellants and

learned Special Public Prosecutor for the State.

By order dated 23.06.2022 notice was issued to
respondent no.2 which was received by the wife of the
respondent no.2.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, (hereinafter referred to as the 'SC/ST Act')
against the refusal of prayer for bail vide order dated



15.10.2020 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Katihar in connection with SC/ST P.S. Case No. 11 of 2020, registered under Sections 342, 323, 384, 307, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(g)(r)(th) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. He submits that there is general and omnibus allegation against the appellants. He submits that occurrence took place on 01.06.2020 but FIR was lodged on 02.07.2020 after delay of more than one month. He further submits that appellants have got one criminal antecedent as stated in para-3 of this application.

Learned Special Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the fact that there is delay in filing of the F.I.R. which creates a serious doubt on the veracity of the prosecution case, let the above named appellants in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds



of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Katihar in connection with SC/ST P.S. Case No. 11 of 2020, 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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