

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4416 of 2021

Arising Out of PS. Case No.-148 Year-2021 Thana- BAISI District- Purnia

MUZAFFAR Son of Late Nazeer Resident of Village- Niyamatpur Majhua,
P.S.- Baisi, District- Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Prawesh Kumar, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-01-2022 Heard learned counsel for the appellant and learned Special
Public Prosecutor for the State through virtual mode.

Learned counsel for the appellant undertakes to remove the defects as pointed out by the office, within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within the undertaken period, the office will place the matter before the Bench.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 04.10.2021, passed by learned Additional Sessions Judge, 1st -cum- Special Judge, SC/ST Act, Purnea, in connection with Baisi P.S. Case No.148 of



2021 (Special SC/ST Case No.84/2021), registered under sections 147, 148, 149, 341, 323, 324, 307, 354(B), 379, 435, 436, 363, 504, 506 of the IPC and sections 3(1) (e) (g) (r) (s) (w) (z)/ 3(2) (iii) (iv) (v) (va) of SC/ST (POA) Act.

The prosecution case in brief, is that due to an altercation with regard to land, FIR named accused persons along with 100 to 150 unknown persons armed variously surrounded the village of the informant, abused the residents in the caste name and assaulted them. It is alleged that the accused persons set the houses on fire and snatched the ornaments of the residents.

It is submitted by learned counsel for the appellant that the appellant is quite innocent and has not committed any offence. He has been falsely implicated in this case due to village politics. No such occurrence as alleged has ever taken place in the manner alleged. The appellant has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. There is no specific overt act against the appellant rather the allegations are general and omnibus in nature. It is clear from the FIR itself that the occurrence took place on account of an altercation arisen out of a land dispute and the allegation of abusing the informant's side is not specific upon any of the accused persons. Hence, no offence



under SC/ST Act is made out against the appellant. Several similarly situated co-accused persons have been granted bail by the different co-ordinate Benches of this Court vide Cr. Appeal (SJ) No.3372 of 2021, Cr. Appeal (SJ) No.3947 of 2021 and Cr. Appeal (SJ) No.3695 of 2021. The appellant has one criminal antecedent and has been languishing in custody since 26.05.2021.

Since, there is no specific allegation of abusing the informant is attributed upon the appellant and the fact that the occurrence took place on account of a land dispute, hence, there is no requirement of issuing notice to the informant, which is otherwise required in a case under the SC/ST Act.

In the facts and circumstance of the case, 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 Additional Sessions Judge, 1st -cum- Special Judge, SC/ST Act, Purnea, in connection with Baisi P.S. Case No.148 of 2021 (Special SC/ST Case No.84/2021).

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

(Anjani Kumar Sharan, J)

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