

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3272 of 2022**

Arising Out of PS. Case No.-3 Year-2022 Thana- SC/ST BETTIAH District- West
Champaran

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1. Sheikh Irfan Son of Bhola Dealer @ Sheikh Bhola Resident of village - Nautanwa, P.S.- Shikarpur, District - West Champaran.
 2. Sheikh Baharan @ Sheikh Bahram Son of Bhola Dealer @ Sheikh Bhola Resident of village - Nautanwa, P.S.- Shikarpur, District - West Champaran.
 3. Sheikh Mojamil Son of Late Sheikh Monaf Resident of village - Nautanwa, P.S.- Shikarpur, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chhotelal Ram Son of Late Rambachan Ram Resident of village - Nautanwa, Ward No.- 04, P.S.- Shikarpur, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Umesh Chandra Verma, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 08-12-2022 Despite valid service of notice upon respondent no. 2,
the informant did not appear before this Court.

Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Sections 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against refusal of the prayer for anticipatory bail
by order dated 26.04.2022 in A.B.P. No. 1150 of 2022 passed by
the learned 1st Additional Sessions Judge-cum-Special Judge,
under SC & ST Act, West Champaran at Bettiah in connection
with Bettiah SC/ST P.S. Case No. 03 of 2022 registered under



Sections 341, 323, 354B, 379,504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in short, is that the informant alleged that on 29.12.2021 all the accused persons abused him in the name of caste due to previous dispute and assaulted to the informant by lathi, fattha, in the meantime, Sk. Bahram has given farsa blow on the head of the informant due to this head of the informant has been injured. The wife of the informant came for rescue then the accused persons also assaulted her and tore her blouse and accused Sheikh Irfan snatched Rs. 500/- from pocket of the son of the informant.

Learned counsel for the appellants submits that the appellants are innocent and they have been falsely implicated in the present case. He further submits that it appears from the FIR that no case is made out against the appellants under the SC/ST Act and so far as allegation of assault to the informant it has come during investigation that the injury of the informant is caused by hard and blunt substance. Further submits that it appears from the FIR also no case is made out against the appellants under Section 307 of the IPC and only Section 323 of the IPC is made out against the appellants by the investigating



agency. He further submits that similarly situated co-accused Bhola Dealer @ Sheikh Bhola has been granted anticipatory by this Court vide order dated 01.12.2022 in Cr. Appeal (SJ) No. 1716 of 2022 and the case of the appellants stands on better footing.

Learned Special Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail of the appellants and submits that the appellants carry two more cases other than the present one.

After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Casts and Scheduled Tribes Act is made out.

Hence, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Bettiah SC/ST P.S. Case No. 03 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure along with other following conditions :-



(1) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the appellants tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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