

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4452 of 2021**

Arising Out of PS. Case No.-281 Year-2021 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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MD. ALI IMAM Son of Lae Rassol Baksh Resident of Village - Milki Tola
Satpura, P.S.- Kazi Mohammadpur, Dist.- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranjeet Kumar Bhagat Ramanand Bhagat Resident of Village-Sherpur,
Harizan Tola, P.S.-Sadar, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Awadhesh Kumar Singh
For the Respondent/s : Mr.Binay Krishna

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

3 31-03-2022 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State. Though, in compliance
of the court's order dated 19.01.2022, notice was issued upon
the respondent no.2 and has been served validly, as per office
notes but today when the case is called out, nobody appears on
behalf of the respondent no.2. As such, the appeal is being heard
in absence of counsel for the respondent no.2.

Learned counsel for the appellant has filed a
supplementary affidavit and at para-3 of the affidavit, it has
been mentioned that the parties have compromised the case. The
compromise petition is at Annexure-2 of the affidavit.

This is an appeal under section 14(A)(2) of the Scheduled



Castes and Scheduled Tribes Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 08.10.2021 passed by learned 3rd Additional Sessions Judge -cum- Special Judge, Muzaffarpur, in connection with Kazi Mohammadpur P.S. Case No.281 of 2021, registered under sections 143, 341, 323, 307, 337, 338 of the IPC and sections 3(i)(v)(s) of SC and ST Act.

Allegedly, while the informant along with labourers were constructing boundary wall of Md. Hasnain Azim, the appellant along with others wanted to stop the construction and for that they started throwing bricks upon the informant's side and also abused them. It is alleged that the informant and others got injured due to the said attack.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to the admitted land dispute. The allegation levelled against the appellant is not specific rather general and omnibus in nature. No offence under the SC/ST Act is made out against the appellant as no specific allegation of abuse has been made against him. The appellant is a Government employee and the parties have compromised the case. The appellant has no criminal antecedent and he has been



languishing in custody since 01.10.2021.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstance of the case, considering the custody of the appellant and the compromise between the parties, 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 3rd Additional Sessions Judge -cum- Special Judge, Muzaffarpur, in connection with Kazi Mohammadpur P.S. Case No.281 of 2021.

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

(Anjani Kumar Sharan, J)

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