

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4467 of 2021**

Arising Out of PS. Case No.-36 Year-2020 Thana- SAKATPUR District- Darbhanga

Gulam Mustufa @ Mustufa S/o Etwari Ansari R/o village- Kathara, P.S.-
Sakatpur, District- Darbhanga

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Saroj Kumar, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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

2 20-01-2022 Heard learned senior counsel for the appellant and
learned Special Public Prosecutor for the State through virtual
court proceeding.

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 29.09.2021, passed by
learned 1st Additional Sessions Judge-cum-Special Judge,
(POA) Act, Darbhanga in connection with SC/ST G.R. No. 110
of 2020 arising out of Sakatpur P.S. Case No. 36 of 2020,
registered under Sections 147, 148, 341, 323, 307, 504B, 504,
506 of the IPC and Sections 3(1) (s) of SC/ST Act.

Allegation against the appellant is that he along with
other accused persons armed with lathi came and assaulted the
informant on his head with intention to kill him due to which his



head was broken and blood was oozing out. It is alleged that all the accused persons assaulted the daughter and wife of the informant and other family members. They also torn the dress of wife of informant and abused them by saying his caste name and also snatched Rs. 6000/-.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. He submits that there is general and omnibus allegation levelled against the appellant. He submits that no case under SC/ST Act is made out against the appellant. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal and he is languishing in judicial custody since 02.09.2021.

There is no specific allegation against the appellant to abuse the informant or his family member by taking caste name, therefore, no notice is required to be issued to the informant.

However, learned Spl. PP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, the above named appellant, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned



1st Additional Sessions Judge-cum-Special Judge, (POA) Act,
Darbhanga in connection with SC/ST G.R. No. 110 of 2020
arising out of Sakatpur P.S. Case No. 36 of 2020.

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

(Anjani Kumar Sharan, J)

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