

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4497 of 2021**

Arising Out of PS. Case No.-214 Year-2021 Thana- SIKARPUR District- West Champaran

FIROZ @ FIROZ ANSARI S/O MOZAHID ANSARI R/o village- Barwa
Bishun Purwa, P.S.- Sikarpur, District- West Champaran

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Bhukhli Devi Sukhari Manjhi Resident of Village-Barwa Bishunpurwa,P.S-
Shikarpur,District-west Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Harun Quareshi, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

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

4 19-05-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Vide order dated 21.01.2022 notice was directed to be
issued upon respondent no.2 and despite valid service of notice,
there is no representation on her behalf.

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 stipulated 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,



1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 23.11.2021 passed by learned 1st Additional District & Sessions Judge -cum- Special Judge, West Champaran, Bettiah, in connection with Sikarpur P.S. Case No.214 of 2021, registered under sections 302, 201/34 of the IPC and section 3 (2) (v) SC/ST Act.

Allegedly, the son of the informant has been killed by the appellant and one other accused person.

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 village politics. Only on suspicion, the appellant has been made accused in this case and there is no eye witness to the alleged occurrence. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The appellant has been languishing in custody since 18.08.2021 and has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail by submitting that the appellant and other co-accused are involved in the murder of the informant's son. The informant



herself has identified the appellant and other accused person.

Considering the submissions of the parties and that the charge has not been framed till date, I am not inclined to enlarge the appellant on bail. The prayer for bail to the above named appellant is rejected.

However, appellant is at liberty to renew his prayer for bail after framing of charge.

The appeal is accordingly dismissed.

(Anjani Kumar Sharan, J)

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