

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4653 of 2021

Arising Out of PS. Case No.-140 Year-2020 Thana- CHANPATIA District- West Champaran

SHEIKH MUNNA @ SHEIKH MUNNA MIAN Son of Sheikh Haroon @
Shak Hussain @ Shak Husan Resident of Village - Pokharia Ray, P.S.
Chanpatia, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Basudev Ram Tulsi Ram Resident of Village-Pokharia Ray, Ambedkar
Nagar Ward No.-12, P.S.-Chanpatia, District West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jitendra Narain Sinha
For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-12-2022 Heard the parties.

As pointed out by the office, notice has been validly served upon the respondent no.2 but nobody appears on his behalf.

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 anticipatory bail vide order dated 17.06.2019, passed by learned Additional District and Sessions Judge, cum Special Judge (SC/ST), Bettiah, West Champaran in connection with Chanpatia P.S. Case no.140 of 2020, registered under sections 147, 148, 149, 341, 323, 324,



307, 354, 427, 448, 504, 506 of the Indian Penal Code and 3(1) (r)(s)(w) (I)/3 (2)(v) (va) of S.C./S.T. Act.

Allegedly, the appellant along with other co-accused persons assaulted the informant's side with deadly weapons. It is further alleged that they also abused and committed *loot-pat*.

Learned Counsel for the appellant submits that appellant is innocent and has been falsely implicated in the present case due to dirty village politics. No such occurrence as alleged has ever taken place. He submits that the appellant is not named in the FIR and his name transpired in the present case during investigation. There is general and omnibus allegation against the appellant. There is no specific overt act against the appellant. During investigation, none witness has supported the involvement of the appellant in the alleged occurrence. Appellant has no criminal antecedent as also mentioned in para-3 of the memo of the appeal.

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

Considering the facts and circumstances of the case, as there is no specific overt act against the appellant, let the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 District and Sessions Judge, cum Special Judge (SC/ST), Bettiah, West Champaran in connection with Chanpatia P.S. Case no.140 of 2020, subject to the condition as laid down under section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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