

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4771 of 2021

Arising Out of PS. Case No.-85 Year-2020 Thana- BHARGAMA District- Araria

MAULANA ABDUL KALAM @ MAULANA @ ABUL KALAM S/O HAJI
SIRAZUDDIN @ MD. SIRAJUL R/o village- Birnagar, Chharrapatti, P.S.-
Bhargama, District- Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. SUSHIL PASWAN S/O MAHESHWARI PASWAN R/o village- Birnagar
Tola Tapra, Ward No. 13, P.S.- Bhargama, District- Araria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bhaskar Shankar
For the Respondent/s	:	Mr. Sadanand Paswan
For the Respondent no.2	:	Mr. Vivekanand Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-04-2022 Heard learned counsel for the appellant, learned
counsel for the respondent no.2 and learned Special Public
Prosecutor for the State.

Learned counsel for the appellant undertakes to
remove the defects within four weeks of resumption of normal
court proceeding. In the eventuality of non-removal of defects
within undertaken 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 17.11.2021 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Araria in connection with Bhargama P.S. Case No. 85/2020 registered under Sections 307, 353, 186, 323, 332, 333, 341, 323, 324, 427, 504, 147, 148 & 149 of the Indian Penal Code and Section 3(1) (r)/3 (1) (s)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The appellant in association of other co-accused is said to have attacked on the informant and his colleagues, assaulted and abused him in his caste name while they were deputed on duty.

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 land dispute and dirty village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no specific overt act against the appellant. As a matter of fact, the land is a disputed one and both parties were staking their claim. Appellant has four criminal antecedents, namely, Bhargama P.S. Case No.167/2021, Murliganj P.S. Case No.271/2017, Bhargama P.S. Case No.336/2018 and Bhargama P.S. Case No.326/2018, as mentioned in para-3 of this appeal. Appellant has been languishing in custody since 15.11.2021.

Learned Spl. PP assisted by learned counsel for



the respondent no.2 opposed the prayer for bail. Learned counsel for respondent no.2 submits that the appellant has suppressed his criminal antecedent. He has mentioned only four criminal antecedent, whereas he has more than four criminal antecedents.

In the facts and circumstances of the case, the above named appellant is directed to be released 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 Addl. Sessions Judge cum Special Judge (SC/ST Act), Araria in connection with Special (SC/ST) No.119/2020, arising out of Bhargama P.S. Case No.85/2020.

The learned Court below is directed to verify the criminal antecedent of the appellant and if it is found that the appellant has more than four criminal antecedent, his bail bond will not be accepted.

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

(Anjani Kumar Sharan, J)

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