

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4873 of 2021

Arising Out of PS. Case No.-130 Year-2021 Thana- BAISI District- Purnia

-
1. GAUSH MUKHIYA @ GHULAM GOUSH S/o Md. Faruque R/o Village-Harintod, P.S.- Baisi, District- Purnia.
 2. Quamar Raza S/o Ghulam Gaus R/o Village- Harintod, P.S.- Baisi, District-Purnia.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Lakhi Devi Sukaru Rai R/O Village-Majhwa, P.S.-Baisi, District-Purnia

... .. Respondent/s

Appearance :

For the Appellants	:	Md. Helal Ahmad, Advocate
For the State	:	Ms. Usha Kumari 1, Special P.P.
For the Informant	:	Mr. Rajiv Ranjan, Advocate
		Mr. Ranajay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 24-08-2022 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as ‘the SC/ST Act’) against the refusal of prayer of anticipatory bail vide order dated 25.10.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (Prevention of Atrocities) Act, Purnia in connection with Baisi P.S. Case No.130 of 2021, registered under Sections 147, 148, 149, 323, 341, 504, 506, 379, 436 and 354(B) of the Indian Penal Code and Sections 3 (i) (r) (s) of the SC/ST Act. Later on Section 509 of the Indian



Penal Code and Sections 3(i) (e) (g) (r) (s) (z), 3 (1) (w) (i), 3 (2) (iii) (iv) (v) (a) of the SC/ST Act were added.

The appellants and other co-accused persons are said to have assaulted the informant by means of lathi and danda. The accused persons also torn the clothes of the informant. It is also alleged that the accused persons set the houses of the informant and her Gotni, Dulari Devi on fire.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is general and omnibus allegation against the appellants. It is further submitted that appellant no.1 has got one criminal antecedent and appellant no.2 has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is also submitted that some of the co-accused persons have been granted bail by the learned court below itself.

Learned Special P.P. for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail of the appellants and submitted that the statement of the informant was recorded under Section 164 Cr.P.C. in which she has supported the prosecution case.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the appellants on anticipatory bail.



Accordingly, the prayer for anticipatory bail of the appellants is rejected.

The appeal is dismissed.

However, if appellants surrender before the learned court below within a period of six weeks from today and pray for regular bail, the learned court below shall consider the prayer for regular bail of the appellants preferably on the same day without being prejudiced by this order of rejection.

(Anjani Kumar Sharan, J.)

Sanjay/-

U		T	
---	--	---	--

