

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.62 of 2022

Arising Out of PS. Case No.-47 Year-2021 Thana- SC/ST District- Darbhanga

TANVEER SHAH S/o Illeyas Shah @ Eliyas Shah R/o village- Maintha,
P.S.- Kusheshwar Asthan, District- Darbahanga

... .. Appellant/s

Versus

1.The State of Bihar
2. Most. Leela Devi, w/o Late Ramraj Manjhi, resident of village- Maintha,
P.S. Kusheshwar Asthan, District- Darbahanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vinay Kumar Mishra
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 07-09-2022 Learned counsel for the appellant is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the appellant as well as

learned Special P.P. for the State.

Learned Special P.P. has submitted that he has

informed the informant through the local police, but none

appeared on behalf of the informant.

This appeal has been preferred on behalf of the

appellant under Section 14-A (2) of the SC & ST (Prevention of

Atrocities) Act for setting aside the order dated 03.11.2021 in

connection with Darbhanga SC/ST P.S.Case No. 47 of 2021,



registered for the offences punishable under Sections 143, 341, 323, 354, 379, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(3(1)(s)3(2)va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

As per allegation, the appellant and other accused persons abused the informant by calling her caste name and they also looted the eggs and ducks worth Rs.75,000/- from her shop.

Learned counsel for the appellant has submitted that the occurrence has taken place on 17th June, 2021 and the FIR was lodged on 1st July, 2021 without disclosing the reason of delay in lodging of the FIR. He has submitted further that there is previous enmity between the parties and it was the reason of false implication of the present appellant, who is a person of clean antecedent. He has also submitted that the allegation levelled in the FIR does not attract the provision of SC/ST Act.

Considering the facts and circumstances, the appeal is allowed and the impugned order dated 03.11.2021 is set aside. Accordingly, in the event of arrest or surrender within four weeks from today, the appellant, above-named shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the



satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (POA) Act, Darbhanga in connection with Darbhanga SC/ST P.S.Case No. 47 of 2021.

Office shall ensure that all the defects are removed by the appellant within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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