

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4202 of 2019**

Arising Out of PS. Case No.-29 Year-2018 Thana- KISHANGAANJ RAIL P.S. District-
Katihar

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NASIM AKHTAR Son of Rajjak @ Abdul Rajjak Resident of Village -
Nimlagaon Basti, P.S.- Pothia, District- Kishanganj

... .. Appellant/s

Versus

1. The State of Bihar.
2. Rani Devi W/o- Bajrangi Murmu R/o- Jamara, P.S.- Amadabad, Dist.-
Katihar, At present- Mangur Jan Station Railway colony, P.S.- Pothiya, Dist.-
Kishanganj

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ramesh Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 22-03-2022 Heard learned counsel for the appellant and

learned Special Public Prosecutor for the State through virtual

Court proceedings.

Vide order dated 15.11.2021, notice was issued to
respondent no.2 in this case but, in spite of valid service of
notice, none is present on her behalf to press this appeal.

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 of anticipatory bail
vide order dated 17.05.2019 passed by learned 1st Additional
Sessions Judge cum Special Judge (SC/ST Act), Katihar in



connection with Kishanganj Rail P.S. Case No. 29 of 2018 registered under Sections 341, 323, 354, 448, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (w) (s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that the appellant in association of other co-accused is said to have come to the house of the informant and started abusing her and tried to outrage her modesty. When the informant rushed in her rescue they also started scrimmage with her.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to annoyance and personal grudge and without there being any involvement in the alleged occurrence. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent.

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



In the facts and circumstances of the case, the above named appellant, 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/- (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), Katihar in connection with Kishanganj Rail P.S. Case No.29 of 2018 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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