

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5168 of 2019

Arising Out of PS. Case No.-55 Year-2019 Thana- KAJRA District- Lakhisarai

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1. MD. NANHO MIYA @ INAMUDDIN Son of Late Md. Chebiria Saleem Resident of Village - Urain, P.S.- Kajra, Distt - Lakhisarai.
 2. Md. Saleem Son of Md. Nanho Miyae Inamuddin Resident of Village - Urain, P.S.- Kajra, Distt - Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi W/o Arjun Chowdhary Resident of Village- Urain, P.S.- Kajra, District- Lakhisarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amrendra Kumar, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 27-01-2022 Heard the parties through virtual court proceedings.

On 06.12.2021, informant was added as respondent no.2 in this case and thereafter, notice was directed to be issued. As per the office notes, notice has been validly served upon the respondent no.2 but today when the case is called out, nobody appears on behalf of the respondent no.2.

This is an appeal under section 14A (ii) of the Scheduled Castes and Scheduled Tribes Act against the refusal of prayer for anticipatory bail vide order dated 30.07.2019, passed by learned A.D.J.-1st,- cum- Special Judge, Lakhisarai, in connection with Kajra P.S. Case No.55 of 2019, registered under



sections 341, 323, 324, 504/34 of the Indian Penal Code and sections 3(i), [R], [s] of the SC/ST Act.

Allegation against the appellants is that they prohibited the informant to take water from the Government Hand pump and pushed her. Thereafter they assaulted the informant by knife and abused her by using caste name.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence as alleged has ever taken place. Appellants have been falsely implicated in this case due to previous enmity and village politics. No offence under SC/ST Act is made out against the appellants as the allegation of slating the informant levelled against the appellants is not specific rather general and omnibus in nature. It is further submitted that the appellants have neither abused the informant nor have assaulted her. The informant has not sustained any injury, so there is no injury report on record. The word 'Harijan', which is alleged to be an abusive word, is not a word of abuse under the SC/ST Act. Appellants have no criminal antecedent, as also mentioned in para-3 of the memo of appeal.

Learned Spl. PP for the State opposed the prayer for anticipatory bail by submitting that there is allegation against



the appellants of abusing and assaulting the informant.

Considering the facts and circumstances of the case, prima facie, no offence under SC/ST Act is made out against the appellants, as such, I am inclined to enlarge the appellants on anticipatory bail.

Accordingly, the appellants, named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-1st,- cum- Special Judge, Lakhisarai, in connection with Kajra P.S. Case No.55 of 2019, 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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