

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5597 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. MANSUR MIAN Son of Late Suvan Darzi Resident of Village - Saidpur, P.S.- Chakmahai, District- Samastipur
 2. Sakil Mian @ Md. Shakil Son of Md. Samsul Mian Resident of Village - Saidpur, P.S.- Chakmahai, District- Samastipur
 3. Sami Khatoon @ Shami Wife of Md. Samsul Mian Resident of Village - Saidpur, P.S.- Chakmahai, District- Samastipur
 4. Md. Latif Son of Md. Samsul Mian Resident of Village - Saidpur, P.S.- Chakmahai, District- Samastipur
 5. Soki Ram Son of Late Nanki Ram Resident of Village - Saidpur, P.S.- Chakmahai, District- Samastipur

... .. Appellant/s

Versus

1. The State Of Bihar
2. Bibha Devi Surendra paswan Village-Saidpur,P.O-Saidpur,Ward No.-11,P.S.- Chakmahesi,District-Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dharmendra Kumar Paswan, Adv.
For the Respondent/s : Mrs. Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 17-01-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual court proceeding.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 08.11.2019, passed by learned 1st Additional Sessions Judge, Samastipur in connection with Complaint Case No. 03 of 2019, registered under Sections



436, 380, 307, 379 of the IPC and Sections 3(i) (r) (S)(w) of SC/ST Act.

Vide order dated 23.08.2021, the appellants were granted provisional bail.

Learned counsel for the appellants submits that appellants are innocent and have been falsely implicated in this case due to land dispute. He submits that allegation levelled against the appellants is not specific rather general and omnibus in nature. He further submits that appellants bear no criminal antecedent as stated in para-3 of this appeal.

Learned counsel for the Special Public Prosecutor submits that the cognizance has been taken against the appellants, therefore, this appeal is not maintainable. In this regard, he also relies on the judgment of Hon'ble Apex Court in the case of **Bachu Das Vs. State of Bihar & Ors.** since reported in **(2014) 3 SCC 471**.

Considering the facts and circumstances of the case, the provisional bail granted vide order dated 23.08.2021 is hereby cancelled.

However, if the appellants surrender before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned



court below on the same day without being prejudiced by this
order.

(Anjani Kumar Sharan, J)

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