

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5859 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- COMPLAINT CASE District- Kishanganj

1. NASIM @ NASIM AHMAD Son of Latif Resident of Village - Chhoti Jhilmil, P.S.- Bahadurganj, Distt - Kishanganj.
2. Khaja @ Khaja Ahmad Son of Late Master Islam Resident of Village - Chhoti Jhilmil, P.S.- Bahadurganj, Distt - Kishanganj.
3. Chan Babu @ Masum Reja Son of Nasim @ Nasim Ahmad Resident of Village - Chhoti Jhilmil, P.S.- Bahadurganj, Distt - Kishanganj.
4. Irman @ Imran Alam Son of Late Sarkar Ji Resident of Village - Chhoti Jhilmil, P.S.- Bahadurganj, Distt - Kishanganj.
5. Sohail Master @ Md Sohail Akhtar Son of Late Nur Mohammad Resident of Village - Chhoti Jhilmil, P.S.- Bahadurganj, Distt - Kishanganj.
6. Rajiv Master @ Rajiv Ahmad Son of Late Mastan Resident of Village - Chhoti Jhilmil, P.S.- Bahadurganj, Distt - Kishanganj.
7. Majahir Master @ Md Mujahir Alam Son of Haji Master Resident of Village - Chhoti Jhilmil, P.S.- Bahadurganj, Distt - Kishanganj.
8. Arman Babu @ Arman Son of Majahar Master Resident of Village - Chhoti Jhilmil, P.S.- Bahadurganj, Distt - Kishanganj.
9. Shamshad Alam Son of Late Sarkar Resident of Village - Chhoti Jhilmil, P.S.- Bahadurganj, Distt - Kishanganj.

... .. Appellants.

Versus

1. The State of Bihar
2. Dolo Harijan Son of Pheku Lal Harijan Resident of Village - Chhoti Jhilmil, P.S.- Bahadurganj, Distt - Kishanganj.

... .. Respondents.

Appearance :

For the Appellant/s : Mr. Ram Prawesh Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 19-01-2022 Heard learned counsel for the appellants and learned

Special Public Prosecutor for the State through virtual Court

proceedings.

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 29.11.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Kishanganj in connection with Complaint (SC/ST) Case No. 08 of 2019 registered under Sections 148, 436 & 149 of the Indian Penal Code and Section 3(1) (r) (s) (z) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

All the appellants are said to have assaulted the complainant and tried to kill him and appellant nos.1 & 2 set ablaze the house of the complainant.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Learned counsel for the appellants further submitted that the learned Court below has taken cognizance against the appellants. Appellants have no criminal antecedent.

Learned Special PP for the State, relying on the judgment of Hon'ble Apex Court in the case of **Bachu Das vs**



State of Bihar and others since reported in **(2014) 3 Supreme Court Cases 471**, vehemently opposing the prayer for bail submitted that in the facts of the present case anticipatory bail application is not maintainable.

In the facts and circumstances of the case, I am not inclined to enlarge the appellants on anticipatory bail. The prayer for anticipatory bail is hereby rejected.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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