

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.157 of 2023

Arising Out of PS. Case No.-600 Year-2022 Thana- MAJHAULIA District- West Champaran

SAHADAT ALAM @ SAJAFTA ALAM SON OF SHEKH MANAUVAR
ALAM @ MANAUVAR ALAM R/O WARD NO.08, BASARA
CHAILABHAR, P.S.- MAJHAULIA, DISTRICT- WEST CHAMPARAN,
BIHAR

... .. Appellant/s

Versus

1. The State of Bihar
2. RAM PRAVESH RAM SON OF DAWARIKA RAM R/O VILLAGE-
WARD NO.8, BASARA BHERIHARI TOLA, P.S.- MAJHAULIYA,
DISTRICT- WEST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Kumar Gupta, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 22-03-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In compliance of the earlier order of this Court, learned
Spl.P.P. for the State informed the informant about his
appearance in this case but nobody entered appearance on his
behalf.

This is an appeal under section 14A(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 (as Amended by Amendment Act, 2015 (Act No.1 of
2016) (hereinafter in short referred to as the 'SC/ST Act')
against the refusal of prayer for anticipatory bail vide order



dated 09.12.2022, passed by learned Additional Sessions Judge 1st -cum-Special Judge, (SC/ST), Bettiah, West Champaran, in connection with Majhauria P.S. Case No.600 of 2022, registered u/s 341, 323, 324, 379, 337, 427, 504, 506 and 34 of the IPC and sections 3(i)(r)(s) of the SC and ST Act.

As prosecution case, F.I.R. named accused persons lashed with deadly weapons came and assaulted to the informant. Thereafter, all the accused persons assaulted the other part of the body of the informant and when his wife came to save him, the accused persons assaulted her.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant is not named in the F.I.R. and in the re-statement of the informant, he has not taken the name of appellant but his name transpired in this case during investigation. He has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as the occurrence is said to have taken place in front of the house of the informant, which does not come in the purview of public view, which is a necessary ingredient to constitute an offence under the SC/ST Act. Furthermore, there is no specific overt act



against the appellant to abuse or assault the informant or his wife. Appellant has no criminal antecedent.

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

Considering the facts and circumstances of the case, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st -cum-Special Judge, (SC/ST), Bettiah, West Champaran, in connection with Majhaulia P.S. Case No.600 of 2022, 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)

pallavi/-

U		T	
---	--	---	--

