

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.158 of 2023

Arising Out of PS. Case No.-376 Year-2022 Thana- BARHARA KOTHI District- Purnia

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1. MD. MAAZ SABIR @ BABU @ MAAZ SABIR Son of Sabir Alam @ Md. Sabir Alam R/v- Murballa, P.S.- Barhara, Dist- Purnea
 2. MD. BITTU @ MD. FAIZ SABIR Son of Sabir Alam @ Md. Sabir Alam R/v- Murballa, P.S.- Barhara, Dist- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. BINDULA DEVI Wife of Shidhan Paswan R/v- Kamalpur, P.S.- Barhara, Dist- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.N.K.Agrawal, Sr. Adv. Mr.S.N.Yadav, Sr. Adv. Mr.Binod Kumar Sinha, Adv. Mr.Anil Kumar Anal, 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 senior counsel for the appellants and learned Special Public Prosecutor for the State.

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

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 anticipatory bail vide order dated 06.12.2022, passed by learned Special Sessions Judge, SC/ST



Act, Purnea, in connection with Barhara P.S. Case No.376 of 2022, registered u/s 341, 323, 379, 354B, 504, 506, 34 of the IPC and sections 3(1)(r) of the SC/ST Act.

Allegedly, the F.I.R. named accused persons including the appellants abused the informant and assaulted her and when her husband tried to save her, he was assaulted with iron rod.

It is submitted by learned senior counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have 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 appellants as there is no specific allegation against the appellants to have abused the informant by taking her caste name. It is further submitted that there is allegation that appellants assaulted the informant but the injury was found to be simple in nature, which is clear from the impugned order itself. The last paragraph of the F.I.R. alleging therein that the appellants have abused the informant by taking caste name is added with ill-motive. Appellants have no criminal antecedent.

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

Considering the facts and circumstances of the case, since



the injuries are simple in nature and there is no specific allegation against a specific accused to have abused the informant, let 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, 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 Special Sessions Judge, SC/ST Act, Purnea, in connection with Barhara P.S. Case No.376 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)

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