

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.312 of 2023

Arising Out of PS. Case No.-563 Year-2022 Thana- PURNEA SADAR District- Purnia

MD JIABUL @ ZIAUL HAQUE Son of Ghulam Hajrat Resident of Village-
Uchitpur Routara, P.S.- Sadar (Mufassil), District- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Raju Tuddu Son of Late Tala Tuddu Resident of Village- Uchitpur Kothi
Tola Santhali, P.S.- Sadar Mufassil, District- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nadimul Hasan

For the Respondent/s : Mr.Sadanand Paswan

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.

Learned Spl. PP for the State, in compliance of order dated 22.02.2023, informed the informant/complainant. Nobody appeared on behalf of the informant/complainant.

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 06.12.2022 passed by learned Special Judge SC/ST Act, Purnea in connection with Sadar (Mufassil) P.S. Case No. 563 of 2022 registered under Sections 341, 342, 323,



385, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, the appellant along with other accused persons abused and assaulted the informant.

Learned counsel for the appellant submits that the appellant has no concern with the aforesaid occurrence. He submits that there is general and omnibus allegation against the appellant. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellant. He submits that the occurrence took place on 25.07.2022 and the present FIR was registered on 07.08.2022 after delay of more than ten days. Appellant has got no criminal antecedent as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State opposes payer for bail and submits that the appellant abuses the respondent no. 2/informant by taking caste name.

Considering the facts and circumstances of the case, argument of the parties, perusal of records and the fact that there is no specific overt act against the appellant, let the above named appellant, in the event of his arrest or surrender before



the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST Act, Purnea in connection with Sadar (Mufassil) P.S. Case No. 563 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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