

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.410 of 2023

Arising Out of PS. Case No.-1018 Year-2022 Thana- FORBESGANJ District- Araria

1. Rahmat Ali @ Md. Rahmat Ali S/O Md. Fainul R/O Village- Sonapur Chakorwa, P.S.- Narpatganj, Distt- Araria.
2. Tohid @ Md. Tohid @ Tohid Alam S/O Md. Taiyab R/O Village- Gokhlapur, P.S.- Narpatganj, Distt- Araria.
3. Md. Jalil @ Md. Jamil @ Jamil S/O Late Basir R/O Village- Milki Dumaria, P.S.- Fulkaha, Distt- Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Kumari W/o Dr. Dayanand Prasad R/o Mohalla- Bangali Tola, I.V. Road ward no. 25, Fobesganj, P.S.- Forbesganj, Distt- Araria.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Rana
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

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

Learned Spl. PP for the State, in compliance of order dated 08.02.2023, 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 30.11.2022 passed by learned 1st Additional



Sessions Judge cum Special Judge, Araria, in connection with Forbesganj P.S. Case No. 1018 of 2022 registered under Sections 147, 341, 323, 354, 427, 379, 504 and 506 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, some persons came at the hospital with a serious child. The doctor seeing the critical condition advised them to go to better hospital but on their request on humanity he started to treat him. Thereafter his condition became better but after some time the patient become serious and died. Thereafter, the appellants instigated the mob and abused them by calling their caste name and assaulted the female nurses and torn their clothes and demanded five lakh cash as ransom.

Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. 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 appellants have falsely been implicated in the present case. Appellants no. 2 and 3 have got no criminal antecedents and appellant no. 1 have got five criminal antecedents 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 and the fact that there is no specific allegation of abusing the informant by taking caste name, let the above named appellants, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge, Araria, in connection with Forbesganj P.S. Case No. 1018 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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