

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.278 of 2023

Arising Out of PS. Case No.-989 Year-2022 Thana- FORBESGANJ District- Araria

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

... .. Appellant/s

Versus

1. The State Of Bihar Bihar
2. Dr. G.N. Choupal Son Of Late Ishwar Dayal Das R/O Mohalla- Forbesganj High School Ward No.25, P.S.- Forbesganj, District- 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 20-12-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Though vakalatnama has been filed on behalf of
respondent no. 2, nobody appeared on behalf of the respondent
no. 2.

3. 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. 989 of 2022 registered under Sections



147, 323, 427, 504, 506, 447 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. 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.

5. 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 appellants. He submits that for the same occurrence one another case has been lodged by the wife of the brother of the informant i.e. Forbesganj P.S. 1018 of 2022, against the appellants in which they have been granted anticipatory bail by this Court vide order dated 22.03.2023 passed in Cr. Appeal (SJ) No. 410 of 2023. 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.

6. Learned Spl. PP for the State opposes payer for anticipatory bail.

7. 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. 989 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

anand/-

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