

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.511 of 2023

Arising Out of PS. Case No.-39 Year-2022 Thana- SC/ST District- East Champaran

-
1. NANHE ALAM @ MD. TABIULLAH Son of Md. Noor Alam @ Noor Alam @ Noor Alam Mian Resident of Village - Hanuman Garhi, Nakchhed Tola, P.S.- Motihari Town, District - East Champaran.
 2. MD. JUNUN ALAM @ JUNUN ALAM Son of Md. Noor Alam @ Noor Alam @ Noor Alam Mian Resident of Village - Hanuman Garhi, Nakchhed Tola, P.S.- Motihari Town, District - East Champaran.
 3. BAUWAULLAH ALAM @ BAUWAULLAH Son of Md. Noor Alam @ Noor Alam @ Noor Alam Mian Resident of Village - Hanuman Garhi, Nakchhed Tola, P.S.- Motihari Town, District - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sunita Devi Wife of Rajendra Ram Resident of Village - Hanumangarhi, Khushboo Nagar, Ward No.- 16, P.S.- Motihari Town, District - East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Abhishek Kumar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP.
		Mr. Dhananjay Kumar No.2, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-07-2023 Heard the parties.

2. 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 02.01.2023 passed by learned Special Judge (SC/ST Act), East Champaran, Motihari in connection with SC/ST P.S. Case No. 39 of 2022 registered under Sections 147,



341, 323, 379, 354(B), 504, 506 of the Indian Penal Code and Section 3(i)(r)(s)/w(i)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, all the accused persons including the appellants are said to have surrounded and assaulted the informant's son. They also abused him by taking his caste name and threatened him of dire consequences. On hearing ruckus, when informant came to save him, appellant no.2 tried to outrage her modesty and took Rs. 5,000/- from her blouse.

4. It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the present case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature and this fact has not been denied by learned counsel for the informant also. There is admitted land dispute between the parties. Appellants have three criminal antecedents as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

6. In the facts and circumstances of the case, as there is



general and omnibus allegation against the appellants, 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 the learned Special Judge (SC/ST Act), East Champaran, Motihari in connection with SC/ST P.S. Case No. 39 of 2022 , subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

divyanshi/-

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

