

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.478 of 2022

Arising Out of PS. Case No.-40 Year-2020 Thana- SC/ST District- Kaimur (Bhabua)

1. BABALU ALAM Son of Shamshir Alam Resident of Village - Chainpur, P.s.- Chainpur, Distt.- Kaimur at Bhabua.
2. IMTIYAZ ALAM Son of Shamshir Alam Resident of Village - Chainpur, P.s.- Chainpur, Distt.- Kaimur at Bhabua.
3. FAHIM SHEIKH Son of Shamshir Alam Resident of Village - Chainpur, P.s.- Chainpur, Distt.- Kaimur at Bhabua.
4. SARTAZ ANSARI Son of Ashraf Ansari Resident of Village - Chainpur, P.s.- Chainpur, Distt.- Kaimur at Bhabua.
5. AFTAB ANSARI Son of Ashraf Ansari Resident of Village - Chainpur, P.s.- Chainpur, Distt.- Kaimur at Bhabua.
6. KAMRAN ANSARI Son of Ashraf Ansari Resident of Village - Chainpur, P.s.- Chainpur, Distt.- Kaimur at Bhabua.
7. SONU ANSARI Son of Khalik Ansari Resident of Village - Chainpur, P.s.- Chainpur, Distt.- Kaimur at Bhabua.
8. SONU QURAISHI Son of Taufik Quraishi Resident of Village - Chainpur, P.s.- Chainpur, Distt.- Kaimur at Bhabua.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. Laxminia Devi Wife of Jitendra Paswan Resident of Village-Chainpur,P.S.-Chainpur,District-Kaimur at Bhabua

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Rajani Kant Pandey, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For the Informant	:	Mr. Chandra Mohan Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-01-2023 At the outset, learned counsel for the appellants seeks permission to withdraw this appeal in respect of appellants no.1 and 2, namely, Babalu Alam and Imtiyaz Alam as there is specific allegation against them of abusing the informant by naming her caste.



Permission is accorded.

Accordingly, the appeal is dismissed as withdrawn so far as appellants no.1 and 2, namely, Babalu Alam and Imtiyaz Alam are concerned.

Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 30.11.2021, passed by learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Kaimur at Bhabua in connection with Bhabua SC/ST P.S. Case No.40 of 2020, registered under Sections 341, 323, 147, 148, 149, 354B and 379 of the Indian Penal Code and Sections 3(1)(r)(s)(w), 3(2)(va) of the SC/ST (POA) Act.

The prosecution case, in brief, is that on the alleged date and time while the son of the informant was cutting grass in the field, the appellants came carrying lathi, danda and iron rod in their hands and started abusing and assaulting him. When the informant came to the rescue of her son, the appellants no.1 and 2, namely, Babalu Alam and Imtiyaz Alam abused her by



naming her caste. Appellant No.1, Babalu Alam allegedly pulled the informant by her hair and attacked her with kicks. As a result of the attack, she got disrobed while appellant no.2, Imtiyaz Alam attacked on her with kicks and fists and took away gold earrings of the informant worth Rs.30,000/-. On hearing the noise, the husband of the informant came along with three others to the rescue and the appellants then attacked them as well with kicks and fists. While leaving, they threatened the informant of dire consequences if the incident is reported. The informant has alleged that the appellants did the same act with them on previous occasion as well.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. The appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that there is general and omnibus allegation against appellants no.3 to 8.

Learned Special P.P. for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail of the appellants and submitted that there is specific allegation against the appellants that they abused the informant by naming her caste.



Taking into consideration the fact that there is general and omnibus allegation against appellants no.3 to 8, let appellants no.3 to 8, above named, 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 bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 1st-cum-Special Judge, SC/ST (POA) Act, Kaimur at Bhabua in connection with Bhabua SC/ST P.S. Case No.40 of 2020, subject to the conditions 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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