

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.675 of 2022

Arising Out of PS. Case No.-60 Year-2020 Thana- BALIA BELON District- Katihar

Md Shamim @ Shamim @ Shamim Akhtar Son Of Md. Shahbuddin Resident
Of Village - Unnaso Pachgachhi, P.S.- Baliya Belown, Distt.- Katihar.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Parwez Alam khan Late Md. Sonafa Khan R/O Village-Kopa, Badi Masjid,
P.S.-Kopa, District-Chapra(Saran)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Helal Ahmad
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 09-08-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. From perusal of the office notes, it appears that the notice has been received by the daughter of the respondent no. 2 but learned counsel for the appellant submits that the informant is the police officer, therefore, notice is not required to him because he is represented by the learned Special Public Prosecutor for the State.

3. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 15.10.2020, passed by learned 1st Additional Sessions Judge-



cum-Special Judge, Katihar in connection with Baliya Belon P.S. Case No. 60 of 2020, registered under Sections 341, 323, 186, 353, 504, 506/34 of the IPC and Sections 3(i) (r) (s) of SC/ST Act.

4. Appellant is said to have abused the informant by taking caste name.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the appellant. He submits that there is no specific overt act against the appellant to abuse the informant by taking caste name. He submits that similarly situated co-accused has already been granted bail by this Court vide order dated 01.02.2023 passed in Cr. App. (SJ) No. 936 of 2021. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

6. Considering the facts and circumstances of the case, 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 the



learned 1st Additional Sessions Judge-cum-Special Judge,
Katihar in connection with Baliya Belon P.S. Case No. 60 of
2020, 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
the appeal is allowed.

(Anjani Kumar Sharan, J)

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