

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1019 of 2023**

Arising Out of PS. Case No.-624 Year-2021 Thana- GARKHA District- Saran

Manjur Alam Son Of Rahimuddin Miyan @ Rahmuddin Miyan Resident Of
Village - Kewani, P.S.- Garkha, District - Saran At Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Veer Shankar Kumar Son of Sri Madho Mohan Das Resident of village -
Kewani, P.S.- Garkha, District - Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jeetendra Narayan
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 20-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has
informed that in compliance of the order dated 18.10.2023, he
has informed the informant/complainant but none is present on
his/her behalf.

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
06.01.2023, passed by learned 3rd Additional District and
Session Judge-cum-Special Judge (SC/ST Act), Saran at Chapra
in connection with Garkha P.S. Case No. 624 of 2021, registered



under Sections 341, 323, 354(B), 379, 504, 506, 34 of the IPC and Sections 3(i) (r) (S)(w) of SC/ST Act.

4. Prosecution case is that due to land dispute between the parties an altercation took place in which informant's side sustained simple injury.

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 no specific overt act against the appellant to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellant. He submits that the similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 19.10.2022 passed in Cr. Appeal No. 721 of 2022. 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 3rd Additional District and Sessions Judge-cum-Special



Judge, SC/ST Act, Saran at Chapra in connection with Garkha
P.S. Case No. 624 of 2021, 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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