

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1851 of 2021

Arising Out of PS. Case No.-422 Year-2018 Thana- KRITYANAND NAGAR District-
Purnia

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1. MUNNA HAJI @ MD NAJIM SON OF YAKUB HAJI RESIDENT OF VILLAGE- MANKOL, P.S. SRINAGAR, DISTRICT-PURNEA
 2. MD. KAJIM @ KAZIM SON OF YAKUB HAJI RESIDENT OF VILLAGE- MANKOL, P.S. SRINAGAR, DISTRICT-PURNEA
 3. MD. ASIM RAJA @ RAZA SON OF MD. KAJIM @ KAZIM RESIDENT OF VILLAGE- MANKOL, P.S. SRINAGAR, DISTRICT-PURNEA
 4. MD. FAREM @ FAREM @ MD. FARAHIM SON OF LATE QURBAN RESIDENT OF VILLAGE- MANKOL, P.S. SRINAGAR, DISTRICT-PURNEA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajit Kumar Singh

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-03-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Spl.P.P for the State informs this Court that he has informed the informant/complainant about the present case but nobody has entered appearance on his behalf.

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 27.01.2021 passed by learned 1st Additional Sessions Judge-



cum-Special Judge SC/ST Act, Purnea arising out of K.Nagar (Sri Nagar) P.S. Case No.422 of 2018, registered under Sections 341, 323, 354, 379, 436, 504, 506/34 of the Indian Penal Code and Section 3(i) (R) (S) (w) (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellants is that they entered into the house of the informant and started abusing him by taking caste name. It is also alleged that the appellants have indiscriminately assaulted the informant's side.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant/complainant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellants. He further submits that there is an admitted land dispute between the parties and proceeding of section 107 Cr.PC is going on between them. He further submits that the injuries are simple in nature. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.



Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, 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 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Purnea arising out of K.Nagar (Sri Nagar) P.S. Case No.422 of 2018, subject to the condition as 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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