

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1215 of 2023

Arising Out of PS. Case No.-495 Year-2022 Thana- GORAUL District- Vaishali

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1. MD. SHABIR SHAH Son of Late Jahir Sah Resident of Village - Karhatiya Bujurg, P.S.- Goraul, District - Vaishali
 2. Md. Irshad Son of Late Jafir Sah Resident of Village - Karhatiya Bujurg, P.S.- Goraul, District - Vaishali
 3. Shamina Khatoon @ Shamima Khatoon Wife of Md. Shabir Sah Resident of Village - Karhatiya Bujurg, P.S.- Goraul, District - Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Sangeeta Devi Wife of Shivnath Ram Resident of Village - Karhatiya Bujurg, P.S.- Goraul, District - Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Chandra
For the Respondent/s	:	Mr. Binay Krishna
	:	Mrs. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-06-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.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 07.02.2023 passed by learned Special Judge SC/ST, Vaishali at Hajipur in connection with Goraul (Kathara O.P.) P.S. Case No. 495/2022, registered under Sections 147, 148, 341, 323, 354, 379, 504 and 506/34 of the Indian Penal



Code and Section 3 (1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. The occurrence took place on 23.10.2022 but FIR lodged on 06.11.2022 after a delay of about 13 days and there is no any explanation of it which creates serious doubt about prosecution case. The appellants have filed a case against the husband of the informant thereafter the present case has been lodged against the appellants. There is allegation against appellant no.1 to abuse the informant by taking the caste name in front of gate of the house of the informant which is not in public view. Hence, no case is made out against the appellant no.1 under SC/ST Act. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State along with learned counsel for the respondent no.2 opposes the prayer for bail and submits that the appellants abuse the respondent no.2/informant by taking caste name.

In the facts and circumstances of the case, let 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST, Vaishali at Hajipur in connection with Goraul (Kathara O.P.) P.S. Case No. 495/2022, 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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