

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1772 of 2023

Arising Out of PS. Case No.-22 Year-2022 Thana- SC/ST District- Saran

SYED MD. NAJMI @ SAIYED MOHAMMAD NAZMI Son of Late Md. Khalil R/V/ Mohalla- Nagina Singh Lane, Dahiyawan, PS- Chapra (Town) Dist- Saran at Chapra (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Prem Shankar Ram Son of Late Dasai Ram R/V- Dumri Pandey Tola, PS- Doriganj, Dist- Saran at Chapra (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rakesh Kumar
For the Respondent/s	:	Mrs. Usha Kumari I
		Mr. Mukesh Kumar Suman

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-10-2023 Heard learned counsel for the appellant, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

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 04.03.2023 passed by learned III Additional Sessions Judge cum SC/ST/MP/MLA Judge, Saran at Chapra in connection with Saran SC/ST P.S. Case No.22 of 2022, registered under Sections 420 and other allied Sections of the Indian Penal Code, Section 138 of the NI Act and Section 3(i)



(x) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, on account of money dispute, the appellant spit on the face of the informant and threatened him with dire consequences and pushed him by caught hold of his neck and tore his shirt.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to enmity. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellant. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail. It is submitted by the learned counsel for the respondent no.2 that the appellant has suppressed his criminal antecedent as he has four criminal antecedent and he has not mentioned it in the para-3 of the memo of appeal.

6. In the facts and circumstances of the case as the



appellant has suppressed his criminal antecedent, I am not inclined to enlarge the appellant on bail. The prayer for grant of bail on his behalf is hereby rejected.

7. Accordingly, this instant appeal stands dismissed.

(Anjani Kumar Sharan, J)

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