

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1779 of 2022

Arising Out of PS. Case No.-519 Year-2020 Thana- BAIRIYA District- West Champaran

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WASEEM AHMAD @ MOHAMMAD WASEEM S/o Mustkim Mohammad
@ Md. Mustkim Resident of Naya Tola, P.S.- Bettiah Town, District- West
Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. LAKSHIMNA DEVI W/o Bhua Hazra @ Bhukam Hazra Resident of-
Khusi Tola, Ward No. 05, Kheriya Tola, P.S.- Bariyyia, District- West
Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ayush Kumar, Adv.
For the Respondent/s : Mr.Sadanand Paswan, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-06-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned Spl.PP. for the State submits that vide order dated 22.02.2023, he informed the informant to appear in the present appeal through her counsel, but nobody appears on her 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 23.03.2022 passed by learned Additional District & Sessions Judge-1-cum-Special Judge (SC/ST Act), Bettiah, West



Champan in connection with Bairiya P.S. Case No. 519 of 2020 registered under Sections 341, 323, 325, 504, 506/34 of the Indian Penal Code and Section 3(i)(s)/ (ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, the appellant along with other accused persons assaulted the informant's son by means of deadly weapons and also abused him by taking caste name.

It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. 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 ulterior motive. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. There is an admitted land dispute between the parties. Appellant is not named in the FIR. Similarly situated co-accused, namely, Reyaz Miyan has been granted bail by this Court vide order dated 12.04.2023 in Criminal Appeal (SJ) No. 3922 of 2021. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.



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

In the facts and circumstances of the case, as similarly situated co-accused has been granted bail, 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 released 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 Additional District & Sessions Judge-1-cum-Special Judge (SC/ST Act), Bettiah, West Champaran in connection with Bairiya P.S. Case No. 519 of 2020 , 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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