

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2461 of 2023**

Arising Out of PS. Case No.-276 Year-2020 Thana- JOKIHAT District- Araria

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MOHID @ MOHIT @ MOHIB Son of Ibrahim R/o village - Kursail, P.S.-
Mahalgaon, District - Araria

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Hareram Yadav Son of Dorik Rai R/o village - Shamratha, W. No.- 10, P.S.-
Vibhutipur, District - Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Nafisuzzoha
For the Respondent/s : Mrs. Usha Kumari 1

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

3 13-09-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 09.08.2023, learned
Spl.P.P for the State informed the informant to appear in the
present case through his counsel but nobody entered appearance
on his behalf.

3. 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 23.03.2023 passed by learned 1st Additional
Sessions Judge cum Special Judge, Araria in connection with



Jokihat (Mahalgaon) P.S. Case No.276 of 2020 registered under Sections 307, 353, 384, 427 and other allied Sections of the Indian Penal Code and Section 3(i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 3 of Prevention of Damage to Public Property Act.

4. Allegedly, the appellant along with other accused persons is said to have assaulted the informant, who is an ambulance driver upon his refusal to take a serious patient to the hospital. It is also alleged that the accused persons damaged ambulance and other equipments that was kept in the ambulance.

5. 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. 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. The appellant is only a member of the mob. Appellant has one criminal antecedent as mentioned in para-3 of this memo of appeal.

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



bail.

7. In the facts and circumstances of the case, 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 1st Additional Sessions Judge cum Special Judge, Araria in connection with Jokihat (Mahalgaon) P.S. Case No.276 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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