

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2107 of 2022

Arising Out of PS. Case No.-16 Year-2021 Thana- SC/ST District- Purnia

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1. SYED SHAMSHAD ALAM Son of Late Syed Kasimuddin Resident of Village- Bariya, P.O.- Kanhariya, P.S.- Baisi, District - Purnia.
 2. Syed Zakiruddin @ Zakiuddin son of Late Syed Moinuddin Resident of Village- Bariya, P.O.- Kanhariya, P.S.- Baisi, District - Purnia.
 3. Syed Kutubuddin son of Late Gyasuddin Resident of Village- Bariya, P.O.- Kanhariya, P.S.- Baisi, District - Purnia.
 4. Syed Ziauddin Son of Syed Riyazuddin Resident of Village- Bariya, P.O.- Kanhariya, P.S.- Baisi, District - Purnia.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Birbal Boshak Son of Late Chakama Boshak R/o vill-Bariya P.S.- Baisi, Dist Purnia

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Helal Ahmad, Adv.

For the Respondent/s : Mrs.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-01-2023 Office has reported that the instant appeal stood rejected against respondent no. 2 for not having filed requisites etc for issuance of notice to respondent no.2 within one week peremptory time in compliance of Hon'ble Court's order dated 14.12.2022. Later on, it is mentioned that earlier notice through registered post issued to respondent no.2 in compliance of order dated 11.08.0222 has been validly served upon respondent no.2 as reported by postal peon.

Under the aforesaid circumstance, this appeal is being heard on its own merit.

Heard the parties.



Learned counsel for the appellants is directed to remove defects within four weeks.

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 05.04.2022 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Purnia in connection with SC/ST P.S. Case No. 16 of 2021 registered under Sections 147, 149, 341, 323, 427, 379, 354, 504, 506 of the Indian Penal Code and Section 3(i) (r) (s), 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, appellants along with other co-accused persons reached at informant's field and abused him by taking his caste name. They destroyed maize crop. They also assaulted her wife and threatened them of dire consequences.

It is submitted by learned counsel for the appellants that appellants are innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The alleged occurrence was taken place on 04.02.2021 but written complaint was registered on 13.02.2021 after delay of above 9 days



without assigning any plausible explanation for the said delay, which creates serious doubt about the prosecution case. The allegation against the appellants is not specific rather general and omnibus 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, since there is delay in lodging of FIR, 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 Addl. Sessions Judge cum Special Judge (SC/ST Act), Purnia in connection with SC/ST P.S Case No. 16/2021, 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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