

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2729 of 2023

Arising Out of PS. Case No.-19 Year-2022 Thana- SC/ST District- Gopalganj

SAMSHAD KHAN @ SAMSAD MANSURI @ SHAMSAD MANSOORI
S/O NASIB KHAN @ NASIB MANSURI @ NASIB MANSOORI R/O
Village- Amahi Banke (Wrongly stated as Ojha Amahi), P.S- Kateya, Distt.-
Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Jyoti Kumari D/O Santosh Gond R/O Village- Amahi Mishra, P.S- Bhorey,
Distt.- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Pandey No.5
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-10-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 16.08.2023, learned
Spl.PP for the State informed the informant/complainant to
appear in the present case through her counsel but nobody
entered appearance on her 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 27.03.2023 passed by learned Additional
Sessions Judge-III-cum-Special Judge (SC/ST Act), Gopalganj



in connection with Gopalganj SC/ST P.S. Case No.19 of 2022, registered under Sections 354B, 379 and other allied Sections of the Indian Penal Code and Section 3(1) (r)(s), (w) 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, is that the appellant snatched informant's mobile and made obscene photo of her and sent that to her relatives, teachers, students and villagers. When the informant asked about the same from the appellant, he abused her by taking her caste name and also blackmailed her for physical relation.

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 due to enmity and grudge. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. He further submits that there is no obscene photo or any whatsapp chat in the entire case diary to support the prosecution case. He further submits that the place of occurrence is inside the house of the appellant, therefore, no SC/ST act is made out against the appellant.



Appellant has no 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 Additional Sessions Judge-III-cum-Special Judge (SC/ST Act), Gopalganj in connection with Gopalganj SC/ST P.S. Case No.19 of 2022, 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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