

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.75 of 2021

Arising Out of PS. Case No.-513 Year-2019 Thana- MAJHAULIA District- West Champaran

1. Saimullah Miyan @ Sainullah Miyan @ Sainullah Samani S/O Aasmahammad Miyan Village Jaukatiya Teliya Tola P.S. Majhauilya District West Champaran
2. Ramtullah Miyan @ Suleman Miyan @ Suleman Samani S/O Aasmahammad Miyan Village Jaukatiya Teliya Tola P.S. Majhauilya District West Champaran
3. Ambeya Khatoon W/O Aasmahammad Miyan Village Jaukatiya Teliya Tola P.S. Majhauilya District West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Pradeep Ram Late Sanful Ram Resident of Village-Jaukatiya, Teliya Tola, Ward No.-13, P.S.-Majhauilya, District-West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 26-07-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. From perusal of the office notes, it appears that though notice issued upon the respondent no. 2 is validly served but nobody appears on his behalf.

3. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 21.08.2020, passed by learned Additional District and Sessions



Judge 1st cum-Special Judge, West Champaran at Bettiah in connection with Majhauriya P.S. Case No. 513 of 2019, registered under Sections 341, 323, 504, 506/34 of the IPC and Sections 3(i) (2) of SC/ST Act.

4. Appellants are said to have abused the informant by taking caste name and also assaulted him.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case due to land dispute. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellants. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

6. Considering the facts and circumstances of the case, let 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 Additional District and Sessions Judge 1st cum-Special Judge, West Champaran at Bettiah in connection with



Majhauriya P.S. Case No. 513 of 2019, subject to the condition
as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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