

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2497 of 2022

Arising Out of PS. Case No.-34 Year-2021 Thana- SC/ST BETTIAH District- West
Champaran

=====

JAINUDIN KHAN @ JAIMUDDIN KHAN SON OF LATE RAHAMAN
KHAN R/O VILLAGE- SABAITHWA MASWAS, P.S.- KANGALI,
DISTRICT- WEST CHAMPARAN, BETTIAH

... .. Appellant/s

Versus

1. The State of Bihar
2. RANI KUMARI W/O ARUN BAITHA R/O VILLAGE- SABAITHWA
MASWAS, P.S.- KANGALI, DISTRICT- WEST CHAMPARAN,
BETTIAH

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Deovind Kumar Singh, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-01-2023 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

In view of order dated 30.08.2022, notice was validly
served upon respondent no.2 but nobody appears on her behalf.

This is an appeal under section 14A (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 anticipatory bail vide order dated
29.04.2022, passed by learned Additional District and Sessions
Judge, 1st-cum-Special Judge, Sc/St Act, Bettiah, West
Champaran, in connection with SC/ST Bettiah P.S. Case No.34



of 2021, registered u/s 341, 323, 354(B), 379, 504, 506, 34 of the IPC and sections 3(i)(r)(s) (ii) (v-a) of the SC/ST Act.

Allegedly, the FIR named accused persons including the appellant assaulted the informant and also abused her by taking caste name.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific overt act against the appellant to have abused the informant. The allegation of assault and snatching of golden tops are attributed to the co-accused Azad Khan. There is an inordinate delay of 17 days in lodging the FIR as the date of occurrence is 19.07.2021 and date of lodging FIR is 05.08.2021, that too without giving any plausible explanation creates doubt about the prosecution story. It is further submitted that the informant has not sustained any injury. Appellant has no criminal antecedent and several similarly situated co-accused have been enlarged on anticipatory bail by this Court vide order dated 07.12.2022 passed in Cr. Appeal (SJ) No.665 of 2022 with Cr. Appeal (SJ) No.1595 of



2022.

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

Considering the facts and circumstances of the case, since similarly situated co-accused have been enlarged on bail, let the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, 1st-cum-Special Judge, Sc/St Act, Bettiah, West Champaran, in connection with SC/ST Bettiah P.S. Case No.34 of 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)

pallavi/-

U		T	
---	--	---	--

