

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3590 of 2021

Arising Out of PS. Case No.-42 Year-2021 Thana- KHIRI MORE District- Patna

MD. SHAHZAD @ SAHJAD @ MD SHAHAJAD ALAM Son of Md. Muslim Resident of Village - Karimpur Katka, Katka, P.S.- Khirimore, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Luvkush Kumar Son of Akhilesh Rajak Resident of village-Kadhekuda,P.S-Khirimore,District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Niraj Kumar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 19-01-2023 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

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 13.07.2021 passed by learned Additional Sessions Judge-III-cum Special Judge (SC/ST Act), Patna in connection with Special Case No.138/21, arising out of Khirimore P.S. Case No. 42/21 registered under Sections 147, 148, 149, 323, 379 & 504 of the Indian Penal Code and Section 3(1) (r)/ 3 (2) (va) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

The appellant and other persons are said to have abused the informant and his friends and petitioner has taken out Rs.1,000/- from the pocket of the informant.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation levelled against the appellant is not specific rather general and omnibus in nature. It is further submitted that the genesis of the alleged occurrence has not been alleged to establish atrocities against the members of the Scheduled Caste and the Scheduled Tribe. The allegation of slating the informant levelled against the appellant is not specific rather general and omnibus. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

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 Addl.



Sessions Judge-III-cum Special Judge (SC/ST Act), Patna in connection with Special Case No.138/21, arising out of Khirimore P.S. Case No. 42/21, 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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