

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2835 of 2023

Arising Out of PS. Case No.-154 Year-2022 Thana- KESARIA District- East Champaran

ARBAZ KHAN SON OF MANIR KHAN RESIDENT OF VILLAGE
BAIRIYA, PS- KESARIYA, DISTRICT- EAST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. MINTU DAS SON OF LATE BHAGIRATH DAS RESIDENT OF
VILLAGE- BAIRIYA, PS- KESARIYA, DISTRICT- EAST CHAMPARAN

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 11.10.2023, learned
Spl.PP for the State informed the informant/complainant to
appear in the present case through his/her counsel but nobody
entered appearance on his/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 15.12.2022 passed by learned Special Judge
(SC/ST Act), East Champaran at Motihari in connection with



Kesariya P.S. Case No.154 of 2022, registered under Sections 143, 144, 447, 448, 341, 323, 324, 307, 325, 504 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the appellant along with other co-accused persons went to the door of the informant and abused him by taking his caste name and also assaulted him by several weapons.

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. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellant to abuse the informant or his family members. There is general and omnibus allegation 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 as there is



no specific overt act against the appellant, let 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 Special Judge (SC/ST Act), East Champaran at Motihari in connection with Kesariya P.S. Case No.154 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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