

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2944 of 2023

Arising Out of PS. Case No.-55 Year-2023 Thana- GHANSHYAMPUR District- Darbhanga

1. MD. ALAM Son of Late Mobarak Hussain R/O Vill.- Bauram, P.S.- Bauram, Dist.- Darbhanga.
2. Md. Bauka @ Jahangir Son of Alam R/O Vill.- Bauram, P.S.- Bauram, Dist.- Darbhanga.
3. Md. Munna @ Munna Son of Alam R/O Vill.- Bauram, P.S.- Bauram, Dist.- Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar
2. Madan Paswan Son of Late Jangal Paswan R/O - Kanhai, P.S.- Ghanshyampur, Dist.- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rashid Izhar
For the Respondent/s	:	Mr. Binay Krishna
	:	Mr. Girish Chandra Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-09-2023 Heard the counsel for the appellants, counsel for the respondent no.2 and Spl.P.P. for the State.

2. Learned counsel for the appellants seeks permission to withdraw this appeal as against the appellant no.1 & 3, as they have already been arrested by the police, during pendency of this appeal.

3. Permission is granted.

4. Accordingly, the instant appeal is dismissed as withdrawn as against the appellants no.1 & 3.

5. Now, this appeal is being heard with regard to the



appellant no.2 only.

6. Heard learned counsel for the appellant no.2 and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

7. 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 08.05.2023 passed by learned Exclusive Special Judge, SC/ST, Darbhanga in connection with Ghanshyampur P.S. Case No. 55 of 2023, registered under Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code and Section 3(i), 3(r) and 3(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

8. It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. There is general and omnibus allegations levelled against the appellant. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellant. There is specific allegation against the co-accused Md. Alam. In the supplementary affidavit it is stated that there is compromise



between the parties. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

9. Learned Spl. PP for the State along with learned counsel for the respondent no.2 opposes the prayer for bail and also confirm the fact that there is compromise between the parties.

10. In the facts and circumstances of the case and the fact that there is compromise between the parties, let the above named appellant no.2, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Darbhanga in connection with Ghanshyampur P.S. Case No. 55 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

11. Accordingly, the impugned order is set aside and this appeal is partly allowed.

(Anjani Kumar Sharan, J)

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