

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2772 of 2022

Arising Out of PS. Case No.-722 Year-2021 Thana- SIKARPUR District- West Champaran

Md. Javed S/O Saifulla Ansari @ Saifjulla Ansari @ Saifujullah Ansari
Resident Of Sahnaula Bazari Tola, P.S.- Maanpur, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Jagdish Mahto S/O Late Satyanarayan Mahto Resident Of Dhamaura, P.S.- Sahodara, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-10-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The office has pointed that the notice has been
validly served upon respondent no. 2 but nobody appears on
behalf of respondent no. 2.

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 28.05.2022 passed by learned Additional
District and Sessions Judge 1st cum Special Judge (SC/ST),
Bettiah, West Champaran, in connection with Shikarpur P.S.



Case No. 722 of 2021 registered under Sections 406, 385, 504, 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the appellant along with other accused persons are said to have abused the informant by taking the caste name and demanded Rs. 17,00,000/- to allow running of the agency.

5. Learned counsel for the appellant submits that the appellant has not concern with the aforesaid occurrence. 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. He submits that there is no specific overt act against the appellant, the real dispute is between the respondent no. 2 and the brother of the appellant. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes payer for anticipatory bail.

7. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the petitioner, 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 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 Additional District and Sessions Judge 1st cum Special Judge (SC/ST), Bettiah, West Champaran, in connection with Shikarpur P.S. Case No. 722 of 2021, 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)

anand/-

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