

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2859 of 2022**

Arising Out of PS. Case No.-10 Year-2022 Thana- SIKTI District- Araria

Md. Afzal @ Md. Abzal @ Md. Azal Son Of Md. Idris R/O Village-
Dhowabari, Ward No.-12, P.S.- Kursakanta, District- Araria

... .. Appellant

Versus

1. The State of Bihar
2. Kailash Paswan Son Of Ramchandra Paswan R/O Village- Saidabad, Ward
No.-12, P.S.- Sikty, District- Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Madhav Jha
For the Respondent/s : Mrs. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 05-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State
informs this Court that he has complied the order dated
17.05.2023 but nobody appeared on behalf of the respondent
no.2.

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 29.06.2022 passed by learned 1st Addl. Sessions
Cum Special Judge, Araria in connection with Sikty P.S. Case
No. 10/2022, registered under Sections 341, 323, 324, 379, 354,



504 and 506 of the Indian Penal Code and Section 3(1)(ii), (x) (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. The occurrence took place on 04.01.2022 but FIR lodged on 12.01.2022 after a delay of eight days and there is satisfactory explanation about it which creates serious doubt about the prosecution case. There is allegation against the appellant to assault the informant by by means of iron rod but injury is found simple in nature. There is general and omnibus allegations levelled against the appellant to abuse the informant by taking his caste name. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

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

In the facts and circumstances of the case and the fact that the injury found upon the victim is simple in nature, 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 1st Addl. Sessions Cum Special Judge, Araria in connection with Sikty P.S. Case No. 10/2022, 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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