

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3331 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- SC/ST District- Munger

MD. JAMAL MALIK SON OF MD. MOKIM MALIK RESIDENT OF
VILLAGE - MOHAMMADPUR, P.S. - NAYARAM NAGAR,
(SAFIASARAI O.P.), DISTRICT -MUNGER

... .. Appellant/s

Versus

1. The State of BIHAR, PATNA
2. ROHIT KUMAR SON OF YOGENDRA RAJAK RESIDENT OF
VILLAGE - RAVI RAI TOLA, FARDA, P.S. - NAYARAM NAGAR,
(SAFIABAD O.P.), DISTRICT -MUNGER, PIN-811201

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Indu Bhushan, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 23.08.2023, he informed the informant to appear in the present appeal through his counsel, but nobody appears on his 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 22.06.2023 passed by learned Additional District & Sessions Judge-1st, Munger in connection with



Munger SC/ST P.S. Case No. 05 of 2023 registered under Sections 147, 149, 342, 323, 504, 506 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the accused persons entered the house of the informant and started abusing and assaulting the informant's side. They also took away his father and brother with them and put their signatures on a blank stamp paper of Rs. 1,000/- and on *Pai* paper forcibly.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. 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. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The injuries sustained by the informant's side are simple in nature. There is inordinate delay of twelve days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. The allegation of slating the informant levelled against the appellant is not specific rather general and omnibus in nature. 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, 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 Additional District & Sessions Judge-1st, Munger in connection with Munger SC/ST P.S. Case No. 05 of 2023, 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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