

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3346 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- SC/ST District- Vaishali

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1. MD. FIROJ SON OF MD. SALIM RESIDENT OF VILLAGE - BEGAMPATTI, POLICE STATION - GORUL (KATHARA O.P), DISTRICT - VAISHALI
 2. FATMA KHATOON WIFE OF MD. SAHID RESIDENT OF VILLAGE - BEGAMPATTI, POLICE STATION - GORUL (KATHARA O.P), DISTRICT - VAISHALI
 3. ADISHAN KHATOON @ HADISHAN KHATOON @ HADSAN KHATOON WIFE OF MD. REYAJUL MIAN @ REYAJUL RESIDENT OF VILLAGE - BEGAMPATTI, POLICE STATION - GORUL (KATHARA O.P), DISTRICT - VAISHALI
 4. AISA KHATOON DAUGHTER OF MD. REYAJUL MIAN @ MD. REYAJUL RESIDENT OF VILLAGE - BEGAMPATTI, POLICE STATION - GORUL (KATHARA O.P), DISTRICT - VAISHALI
 5. MD. PARVEJ SON OF MD. REYAJUL MIAN @ MD. REYAJUL RESIDENT OF VILLAGE - BEGAMPATTI, POLICE STATION - GORUL (KATHARA O.P), DISTRICT - VAISHALI
 6. MD. SADIQUE SON OF SATAHU MIAN RESIDENT OF VILLAGE - BEGAMPATTI, POLICE STATION - GORUL (KATHARA O.P), DISTRICT - VAISHALI
 7. GUDDU MIAN @ MD. SERAJ GUDDU SON OF SALIM MIAN RESIDENT OF VILLAGE - BEGAMPATTI, POLICE STATION - GORUL (KATHARA O.P), DISTRICT - VAISHALI
 8. RAJA MIAN @ MD. RAJA ALI SON OF SALIM KHAN RESIDENT OF VILLAGE - BEGAMPATTI, POLICE STATION - GORUL (KATHARA O.P), DISTRICT - VAISHALI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR, PATNA
2. ASHRAFI RAM SON OF LATE RAM ASHISH RAM RESIDENT OF VILLAGE - BEGAMPATTI, POLICE STATION - GORUL (KATHARA O.P), DISTRICT - VAISHALI

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Ranjit Kumar Thakur, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the Respondent No.2	:	Mr. Dileep Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER



3 08-11-2023 Perused the office notes.

2. As prayed, learned counsel for the appellants is permitted to remove the defect (s) during course of the day.

3. Although, this appeal has been listed under the heading 'For Orders (On Office Notes)' but with consent of parties it has been heard for final disposal at this stage itself.

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

5. 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 03.07.2023 passed by learned Special Judge (SC/ST Act), Vaishali at Hajipur in connection with Hajipur SC/ST P.S. Case No. 22 of 2023 registered under Sections 147, 148, 149, 341, 323, 380, 447, 448, 354, 324, 307, 427, 385, 504 & 506 of the Indian Penal Code and Section 3(i) (s), 3 (i) (r), 3 (i) (w) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

6. All the appellants variously armed are said to have come at the house of informant, abused him and assaulted him and his



family members. They also tried to outrage the modesty of female members.

7. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics and land dispute. The allegation of assaulting the informant is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. 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 appellants. It is further submitted that there is admitted land dispute between the parties. Learned counsel for the appellants also relied upon the judgment in the case of **Hitesh Verma Vs. State of Uttarakhand and another** reported in **(2020) 10 Supreme Court Cases 710**. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

8. Learned Spl. PP assisted by learned for the respondent no.2 opposed the prayer for bail.

9. In the facts and circumstances of the case as also the fact that



there is general and omnibus allegations against the appellants, let the above named appellants, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Vaishali at Hajipur in connection with Hajipur SC/ST P.S. Case No.22 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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