

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3420 of 2023

Arising Out of PS. Case No.-37 Year-2022 Thana- SC/ST District- Purnia

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Bambam Sah @ Ashish Kumar Son Of Sudhir Kumar Sah R/O-Sadhubeli,
P.S.-Kasba, Distt.-Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Ashok Ram Son of Late Jamuna Ram, R/O-Sadhubeli, P.S.-Kasba, Distt.-Purnea

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Md Fazle Karim, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

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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 Special Public Prosecutor for the State has informed that in compliance of the order dated 23.08.2023, he has informed the informant but none is present 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 23.06.2023 passed by learned Special Judge (SC/ST Act), Purnea in connection with SC/ST P.S. Case No. 37 of 2022, registered under Sections 447, 341, 323, 354, 504, 506



and 34 of the Indian Penal Code and Section 3(i) (r) (s) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in brief, is that on 27.09.2022 at 11:30 hrs. when the informant was at his house and accused persons came and started abusing by taking caste name and said that you have not vacated the land. The informant said that this land belong to Bihar Government and have bought it from Suresh Sah by sale deed, then the accused persons started assaulting the informant and when the wife of the informant came to rescue then accused persons also assaulted the wife of the informant.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to land dispute between the parties. He further submits that the injury report was found simple in nature and injury report was enclosed in the case diary. Slating the informant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. The allegation 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. P.P. for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, 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 Special Judge (SC/ST Act), Purnea in connection with SC/ST P.S. Case No. 37 of 2022, 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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