

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3716 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- RAMNAGAR District- West Champaran

1. CHAND BABU SON OF MANJUR MIYAN RESIDENT OF VILLAGE - PIPRAMAPHI BHAWAL, P.S. - RAMNAGAR, DISTRICT - WEST CHAMPARAN
2. NOORJHAN KHATOON WIFE OF AKHTAR ALI RESIDENT OF VILLAGE - PIPRAMAPHI BHAWAL, P.S. - RAMNAGAR, DISTRICT - WEST CHAMPARAN
3. SADDAM HUSSAIN SON OF AKHTAR ALI RESIDENT OF VILLAGE - PIPRAMAPHI BHAWAL, P.S. - RAMNAGAR, DISTRICT - WEST CHAMPARAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR PATNA
2. BHUSHAN RAM SON OF LATE KEDAR RAM RESIDENT OF VILLAGE - BHAWAL, P.S. - RAMNAGAR, DISTRICT - WEST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Milind Kumar Mishra
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-12-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 18.10.2023, learned Spl.PP for the State informed the informant/complainant to appear in the present case through his/her counsel but nobody entered appearance on his/her 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 14.06.2023 passed by learned Additional District and Sessions Judge-1st-cum Special Judge (SC/ST Act), Bettiah, West Champaran in connection with Ramnagar P.S. Case No.143 of 2023, registered under Sections 147, 427, 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the appellants and other co-accused persons went to the land of one Isteyak Ahmad and broke the wall of the land. While the informant made protest, all the accused persons assaulted him by means of fists and slaps and also abused by taking caste name.

5. 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. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellants. The specific allegation to abuse by taking caste name is against co-accused Akhatar Ali. Appellants have one criminal antecedent as mentioned in para-3 of 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 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 Additional District and Sessions Judge-1st-cum Special Judge (SC/ST Act), Bettiah, West Champaran in connection with Ramnagar P.S. Case No.143 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)

shikha/-

U		T	
---	--	---	--

