

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4682 of 2021

Arising Out of PS. Case No.-254 Year-2019 Thana- PURNEA SADAR District- Purnia

SAZIYA PERWEEN @ RAZIYA PERWEEN Son of Md. Abbas @ Abbas
Resident of Village - Namakpatti, Ward no.40, Khushkibag, P.S.- Sadar,
Distt.- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. Masomat Gouri Devi Wife of late Santo Ram Resident of village-
Namakpatti, Ward no-40, Khushkibag, P.S.-Sadar, District-Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-01-2023 Heard learned counsel for the parties.

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 16.12.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Purnea in connection with Sadar P.S. Case No. 254 of 2019 registered under Sections 341, 323 & 324 of the Indian Penal Code and Section 3(1) (b) (c) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was proceeding to her



neighbour's house, this appellant in association of another co-accused is said to have hurled rot water and blocked her passage by hurling dirty drain water. On protest made by the informant, they slated and fisted her. In the meantime, her younger son, namely, Monu Kumar rushed there and intervened the occurrence. Then the aforesaid accused persons dragged him in their house and bitten him and pressed his scrotum. Zubeda Khatton was also badly assaulted.

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 as the land dispute is pending between them. The learned lower Court has also not mentioned any injury in the impugned order after perusal of the case diary. Slatting the informant in the name of her caste is said to have been made in the house of the co-accused and not in public view, hence no offence under SC/ST Act is made out against the appellant. It is further submitted that similarly situated co-accused have been granted bail by a co-ordinate Bench of this Court vide order dated 07.11.2019 passed in Cr. Appeal (SJ) N.3669 of 2019. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State opposed the prayer



for bail.

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 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Purnea in connection with Sadar P.S. Case No.254 of 2019, 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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