

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3586 of 2022

Arising Out of PS. Case No.-57 Year-2020 Thana- SC/ST District- Araria

1. MD. JUGNU @ ASHRAF KAMAL @ JUGNU Son of Md. Afsar Alam Resident of Islam Nagar, Ward No.- 26, P.S. and District- Araria
2. MD. CHUNNA ALAM @ MOHAMMAD AFROZ ALAM @ AFROZ ALAM @ MD. CHUNNA Son of Late Noor Alam R/v- Ahmadpur, Ward No-12, P.S.- Simraha, District- Araria
3. MD. BABUL @ BABUL @ MD. SHAHZAD ALAM @ SHAHZAD ALAM Son of Md. Perwez Alam R/v- Ahmadpur, Ward No-12, P.S.- Simraha, District- Araria
4. MD. SARWAR ALAM @ MOHAMMAD GULAM SARWAR ALAM Son of Md. Dabir Uddin @ Hazi Dabir Alam R/v- Ahmadpur, Ward No-12, P.S.- Simraha, District- Araria

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Prasad Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Special P.P.
For the Complainant	:	Mr. Mrigendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-11-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the complainant.

2. 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 19.07.2022 passed by learned 1st Additional Sessions Judge cum Special Judge, Araria in connection with Araria (SC/ST) P.S. Case No. 167 of 2020 registered under Sections 341, 323, 354B,



504, 379 and 506/34 of the Indian Penal Code and Section 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The appellants along with other co-accused are said to have assaulted the complainant holding her hair and during course of assault she became nude.

4. 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 land dispute. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the complainant in the name of caste is said to have been made at the house of the complainant and not in public view, hence no offence under SC/ST Act is made out against the appellants. ny injury in the impugned order after perusal of the case diary. There is inordinate delay of 14 days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. It is further submitted that one similarly situated appellant, namely, Md. Pravej @ Pravej Alam has already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 30.06.2021 passed in Cr. Appeal (SJ) No.721 of 2021.



Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State assisted by learned counsel for the complainant opposed the prayer for bail.

6. In the facts and circumstances of the case as well as the fact that there is delay of 14 days in lodging the complaint petition and similarly situated co-accused has already been granted anticipatory bail by a co-ordinate Bench of this Court, 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 1st Addl. Sessions Judge cum Special Judge, Araria in connection with Araria (SC/ST) P.S. Case No.57/2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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