

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3784 of 2022

Arising Out of PS. Case No.-452 Year-2022 Thana- MUFFASIL District- West Champaran

1. Muslim Mian @ Musalim Miyan S/O Islam Miyan @ Islam Mian Resident Of Village- Rupdih, P.S.- Bettiah (Muffasil), District- West Champaran.
2. Islam Mian @ Isalam Miyan S/O Jhapas Miyan @ Jhapas Mian Resident Of Village- Rupdih, P.S.- Bettiah (Muffasil), District- West Champaran.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Vijay Shankar Bharati Son Of Shri Narendra Rai Resident Of Village- Barwat Lachhu, P.S.- Bettiah Muffasil, District- West Champaran

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-03-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Despite, notice has been issued to respondent no. 2 as per acknowledgment, no one appears on behalf of respondent no. 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 30.08.2022 passed by learned 1st Additional District and Session Judge cum Special Judge (SC/ST), Bettiah,



West Champaran, in connection with Bettiah Muffasil P.S. Case No. 452 of 2022 registered under Sections 341, 323, 420, 406, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that they have taken all the money but not executed the sale deed in favour of the informant.

Learned counsel for the appellants submits that the appellants have not concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste. He submits that neither any cheating nor any forgery has been committed by the appellants. He submits that the alleged occurrence has taken place on 09.10.2021 and 01.11.2021 but the present FIR has been instituted on 08.06.2022 after delay of 7 months, but the cause of delay has not been explained in the entire FIR. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have got one criminal antecedent as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State opposes payer for bail and submits that the appellants abused the respondent no.



2/informant by taking caste name.

Considering the facts and circumstances of the case and the fact that there is a civil nature dispute/money dispute between the parties, 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 learned 1st Additional District and Session Judge cum Special Judge (SC/ST), Bettiah, West Champaran, in connection with Bettiah Muffasil P.S. Case No. 452 of 2022, 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)

anand/-

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