

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3902 of 2022

Arising Out of PS. Case No.-600 Year-2022 Thana- MAJHAULIA District- West Champaran

1. SHEIKH MUNNA @ MUNNA ALAM@ SHEIKH ALAM Son of Late Shahnawaj Mir Resident of Village- Basra Bherihari, P.S.- Majhauria, District- West Champaran
2. RIZWAN ALAM Son of Sheikh Munna @ Munna Alam Resident of Village- Basra Bherihari, P.S.- Majhauria, District- West Champaran
3. SABNAM KHATOON Wife of Sheikh Munna @ Munna Alam Resident of Village- Basra Bherihari, P.S.- Majhauria, District- West Champaran
4. NAJDA KHATOON Wife of Rizwan Alam Resident of Village- Basra Bherihari, P.S.- Majhauria, District- West Champaran
5. NAJMA KHATOON Wife of Late Abdul Sattar Resident of Village- Basra Bherihari, P.S.- Majhauria, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Pravesh Ram Son of Dwarika Ram Resident of Village- Basra Bhrihari, Ward No.-8 P.S.- Majhauria, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Umesh Chandra Verma, Adv.
For the Respondent/s	:	Mr.Usha Kumari 1, Spl.PP. Mr. Risabh Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2023 Heard 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 12.10.2022 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), West Champaran at Bettiah, in



connection with Majhaulia P.S. Case No. 600 of 2022 registered under Sections 341, 323, 324, 379, 337, 427, 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.

Allegedly, appellants along with other accused persons assaulted the informant. They also snatched gold ornaments from this wife.

It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is case and counter case between the parties. It is further submitted that the injury report has not been received yet, it is itself clear from the impugned order. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel for respondent no.2 opposed the prayer for bail.



In the facts and circumstances of the case, since there is no specific allegation against the appellants, 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 (SC/ST Act), West Champaran in connection with Majhaulia P.S Case No. 600 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)

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