

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4264 of 2022**

Arising Out of PS. Case No.-360 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

SYED SADIQUE RAZA @ SADIQUE @ QUADIR SON OF SYED
SHABBAR RAZA R/O VILL.- MANDRAPALI, P.S.- PACHRUKHI,
DISTT.- SIWAN

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Syed Asgher Najmi, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-03-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In compliance of the order dated 20.02.2023, the learned
Special Public Prosecutor for the State informed the informant
to appear before the Court but nobody appears on his/her behalf.

This is an appeal under Section 14(A)(i) 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
13.10.2022 passed by learned 1st Additional Sessions Judge cum
Special Judge, Siwan in connection with Siwan Muffasil P.S.
Case No. 360 of 2022 registered under Sections 302, 201, 34 of
the Indian Penal Code and Section 3 (2) (Va) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution story, in brief, is that the husband of the



informant namely Dharmendra Basfore used to run E-rickshaw of Sahil and Quadir on rent. On 21.06.2022, when the informant's husband went to the owner of E-rickshaw, accused Sahil and Quadir started assaulting the husband of the informant by alleging that why he had loaded pig on the E-rickshaw. The Bhai-sur of the informant reached there and saw that the husband of the informant was assaulted, he informed about this to the informant. And when her husband had not returned, she started searching him. On 22.06.2022, the dead body of the informant's husband was found at Akhainiya Dhala.

It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. Petitioner is a student who studies in Patliputra University. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation levelled against the appellant is not specific rather general and omnibus in nature. It is further submitted that the appellant has never assaulted the husband of the informant. There is inordinate delay of two days in lodging the FIR without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. It is pertinent to mention that



during investigation, the independent witnesses have stated that no such occurrence of assaulting the husband of the informant took place. Learned counsel for the appellant has filed a supplementary affidavit in which he stated that Syed Sadique Raza and Quadir is the same person. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that appellant is also involved in this case. He further submits that the allegations levelled against the petitioner is serious in nature, hence he does not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the appellant on bail. The prayer for bail of the appellant is hereby rejected. However, if the appellant surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order in accordance with law without being prejudiced by this order on the very date of surrender.

(Anjani Kumar Sharan, J)

divyanshi/-

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

