

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.68 of 2023

Arising Out of PS. Case No.-106 Year-2022 Thana- BELAGANJ District- Gaya

ASHRAF MIAN @ MD. ASHRAF ALAM Son of Aklan Mian @ Md. Rayajuddin Resident of Village - Ujje, P.S.- Belaganj, District - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 21-06-2023 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

Learned Spl.PP for the State submits that in compliance of order dated 10.05.2023, he informed the informant to appear before the Court through her counsel, but nobody appears on her behalf.

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 14.10.2022 passed by learned court of Exclusive Special Judge SC/ST Act, Gaya in connection with Belaganj P.S. Case No. 106 of 2022 registered under Sections 341, 323, 354, 379, 504/34 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(v-a) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that when the informant went for natural call, all the FIR named accused including the appellant, caught her with bad intention and tried to outraged her modesty. On raising alarm, her family members came there due to which all the accused persons fled away.

It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. 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. He has been falsely implicated in the case due to ulterior motive. The allegation of levelled against the appellant is not specific rather general and omnibus in nature. There is no specific allegation of abusing the informant by taking her caste name. Hence, no offence under SC/ST Act is made out against the appellant. There is no injury report in the present case. 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, as there is no specific overt act against the appellant, 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 Exclusive Special Judge SC/ST Act Gaya, in connection with Belaganj P.S. Case No. 106 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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