

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.21 of 2023

Arising Out of PS. Case No.-341 Year-2022 Thana- BAISI District- Purnia

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1. JAHANGIR @ MD JAHANGIR S/O Haji Wakil R/O Village- Surigaon, P.S- Baisi, District- Purnea
 2. Badre Alam @ Md. Badre Alam S/O Haji Wakil R/O Village- Surigaon, P.S- Baisi, District- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Akliyani Devi W/O Quadir Ansari R/O Village- Baisi Tola, P.S- Baisi, District- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Najeeb Ahmad
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-04-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

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 01.12.2022 passed by learned Court of Special Judge, SC & ST Act, Purnea, in connection with Baisi P.S. Case No. 341 of 2022 registered under Sections 341, 323, 354B, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention



of Atrocities) Act.

Appellants is said to have disrobed the informant and assaulted and abused her by taking specific caste name.

Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of her caste. Hence, no offence under Section SC/ST Act is made out against the appellant. He submits that informant has also alleged to have been assaulted and dragged in cemented road by appellants but the injury report suggests the she sustained simple injury. He submits that there is compromise between the parties, learned counsel for the informant has not denied this fact. Appellant no. 1 has got two criminal antecedents whereas appellant no. 2 has got no criminal antecedent as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State as well as learned counsel for respondent no.2 oppose payer for bail and submit 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 compromise 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 Court of Special Judge, SC & ST Act, Purnea, in connection with Baisi P.S. Case No. 341 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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