

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.240 of 2024

Arising Out of PS. Case No.-98 Year-2022 Thana- COMPLAINT CASE District- Araria

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1. MD. USMAN @ USMAN S/O MD. JAHIR R/O VILLAGE - TAMGHATTI WARD NO. 17, P.S - BOUNSI, DIST. - ARARIA.
 2. MD. KADIR @ MD. KADIR ALAM S/O MD. USMAN R/O VILLAGE- TAMGHATTI WARD NO. 17, P.S - BOUNSI, DIST. - ARARIA.

... .. Appellant/s

Versus

1. The State of Bihar
2. GURUDEO BESRA S/O LATE JITAN BESRA R/O VILLAGE - TAMGHATTI WARD NO. 17, POLICE STATION - BOUNSI, DISTT. - ARARIA.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Rana, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-05-2024 1. Heard learned counsel for the appellants and Mr. Sadanand Paswan learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 14.12.2023 in A.B.P. No. 3005 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Complaint SC/ST Case No. 98C of 2022 registered under Sections 341, 323 and 354B of the Indian Penal Code as well as Sections 3(2)(va) of the SC/ST Act.



3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and have been falsely implicated in the present case by the complainant. It is further submitted that the complainant alleges that the accused persons including the appellants came armed with lathi, danda and threatened to kill him and also assaulted by fists and slaps and when the wife of the complainant went to save him the accused torn her clothes and thereafter Md. Usman snatched Rs.1500/- and Md. Kadir snatched silver chain from the neck of his wife.

4. Learned counsel for the appellants submits that prima facie no offence, under the SC/ST Act, is made out against the appellants as the occurrence is not alleged to have taken place within the public view nor the FIR even remotely suggests that any independent witness had witnessed the occurrence. It is further submitted that the learned trial court in a mechanical manner proceeded to take cognizance without appreciating the facts of the case in its correct perspective.

5. Learned Special Public Prosecutor opposed the prayer for anticipatory bail and submits that the order of cognizance is not under challenge and once cognizance is taken then the prayer for anticipatory bail is not maintainable. It is



further submitted that the complaint petition has been filed after twenty-four days of the occurrence which further casts an aspersion on the case of the prosecution.

6. At this stage, learned counsel for the appellants seeks permission to withdraw this appeal.

7. Permission is accorded.

8. Accordingly, this appeal stands dismissed as withdrawn.

9. However, if the appellants surrender on or before 27.05.2024, the learned trial court shall dispose of the case on the same day.

(Satyavrat Verma, J)

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