

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.873 of 2024

Arising Out of PS. Case No.-64 Year-2023 Thana- SC/ST District- Gopalganj

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1. Ali Imam Khan @ Alaman Khan @ Alimam son of Bundela Khan Village- Narayanpur Ps- Thawe Dist- Gopalganj
 2. Azad Khan son of Niyamat Khan Village- Narayanpur Ps- Thawe Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Kamlesh Kumar son of Subash Sah Village- Narainpur Ps- Thawe Dist- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pankaj Kumar Dubey
For the Respondent/s	:	Mr.Sadanand Paswan
		Mr. Dilip Kumar Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-10-2024 1. Heard learned counsel for the appellants, learned Spl. P.P. for the State, Shri. Sahdanand Paswan and learned counsel appearing on behalf of Respondent No. 2.

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 18-1-2024 in A.B.P. No. 79 of 2024 passed by the learned Additional Sessions Judge XIth-cum- Exclusive Special Judge S.C./S.T. (POA) Act, Gopalganj in connection with Gopalganj SC/ST P.S. Case No. 64 of 2023 registered for the



offences punishable under Sections 341, 323, 324, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(i)(r)(s)/3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of allegation as alleged in the FIR, it would manifest that the same does not inspire confidence for the reason that it does not appear probable that appellants being known to the informant would have demanded money from him and thereafter assaulted. It is also submitted that though there is allegation of assaulting the informant by butt of the pistol but then the allegation is not specific. It is further submitted that the FIR does not even remotely suggest that the occurrence was witnessed by any independent witnesses as such *prima facie* no offence under the SC/ST Act is made out.

4. Learned Spl. P.P. for the State and learned counsel appearing on behalf of the Respondent No. 2 opposes the prayer for anticipatory bail of the appellants but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that the occurrence is not alleged to have been seen by any independent witnesses nor the



allegation of demanding money appears to be probable when appellants were known to the informant.

5. Considering the aforesaid facts, let the appellants above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. Accordingly, the impugned order is set aside and the appeal stands allowed.

(Satyavrat Verma, J)

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