

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.891 of 2023

Arising Out of PS. Case No.-39 Year-2022 Thana- SC/ST District- East Champaran

SARFARAZ ALAM Son of Khurshid Alam @ Khurshid Mia Resident of Mohalla - Nakchhed Tola, Near Mosque, P.S.- Town, District - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi Wife of Rajendra Ram Mohalla - Hanuman Garhi (Khusbu Nagar) Ward No.- 16, P.S.- Town, District - East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Asif Kalim
For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-01-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State but in spite of valid service of notice none is present 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 02.01.2023 passed by learned Special Judge (SC/ST Act), East Champaran at Motihari in connection with SC/ST P.S. Case No. 39 of 2022 registered under Sections 147, 341, 323, 379, 354B, 504 & 506 of the Indian Penal Code and



Section 3(1) (r) (s)/w(i) 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. All the accused persons including these appellants are said to have that of abused the informant by taking his caste name also assaulted her family members.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

5. Learned Special Public Prosecutor for the State opposed the prayer for bail.

6. In the facts and circumstances of the case, 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 released 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 the learned Special Judge (SC/ST Act), East Champaran at Motihari in connection with SC/ST P.S. Case No.39 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

Trivedi/-

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

