

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.959 of 2022**

Arising Out of PS. Case No.-4 Year-2019 Thana- BANSHI District- Jehanabad

1. UMER SAI @ MD. UMER SHAH S/o Tohid Sai @ Tohid Shah Resident of Village- Dharnai, P.S.- Banshi, Dist- Arwal
2. Munna Sai S/o Zubair Shah @ Zuber Sai Resident of Village- Dharnai, P.S.- Banshi, Dist- Arwal
3. Tohid Sai @ Tohid Shah S/o Late Mosim Sai Resident of Village- Dharnai, P.S.- Banshi, Dist- Arwal
4. Samina Khatoon W/o Umer Sai @ Md. Umer Shah Resident of Village- Dharnai, P.S.- Banshi, Dist- Arwal
5. Najrin Khatoon @ Nasrin Khatoon W/o Zubair shah @ Zuber Sai Resident of Village- Dharnai, P.S.- Banshi, Dist- Arwal
6. Ladli Khatoon D/o Eslam Shah Resident of Village- Dhamaul, P.S.- Kurtha, Dist- Arwal
7. Mallu Sai @ Lambu Sai S/o Sabir Sai Resident of Village- Banaulli, P.S.- Paliganj, Dist- Patna.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Soshal Paswan S/o Late Ramdeo Paswan Resident of Village- Dharnai, P.S.- Banshi, Dist- Arwal

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Nitya Nand Neeraj  
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

5      27-06-2024                      Heard learned counsel for the appellants and  
learned Spl.P.P. for the State Mr. Sadanand Paswan.

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 22.02.2022 in ABP No. 120 of 2022 passed



by the learned Additional District & Sessions Judge 1<sup>st</sup>, Jehanabad in connection with Banshi P.S. Case No. 04 of 2019 registered under Sections 147, 341, 323, 504 and 427 of the Indian Penal Code and Sections 3(i)(x)(s) & 3(2) (va) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities Act).

Learned counsel for the appellants submits that appellants are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is next submitted that informant despite receiving notice validly chooses not to appear which amply demonstrate that the appellants have been falsely implicated in the instant case.

Learned counsel for the appellants submits that from perusal of the allegation as alleged in the FIR, it would manifest that *prima facie* no offence under the SC/ST Act is made out. It is next submitted that even presuming what has been alleged is true without admitting then the entire occurrence did not take place within public view nor the FIR even remotely suggest that the occurrence was witnessed by any independent witnesses and the allegation



of assault is general and omnibus in nature. It is further submitted that all sections of the IPC are bailable.

Learned Spl.P.P. for the State opposes the prayer for anticipatory bail of the appellants.

Considering the submissions made by the learned counsel for the appellants, order dated 22.02.2022 in ABP No. 120 of 2022 passed by the learned Additional District & Sessions Judge 1<sup>st</sup>, Jehanabad in connection with Banshi P.S. Case No. 04 of 2019, is **hereby set aside** and 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) 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 Banshi P.S. Case No. 04 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Shivam/-

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