

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1165 of 2024

Arising Out of PS. Case No.-27 Year-2023 Thana- SC/ST District- Madhubani

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Md. Saleheen @ Phul Babu Son of Md. Salim @ Ehsanul Haque Resident of Village Bardaha, Ward No. 01, PS-Bisfi, PO-Patauna, Distt-Madhubani-847304

... .. Appellant/s

Versus

1. The State of Bihar
2. Tetari Devi Wife of Heet Lal Saday Resident of Village-Chhorahiya, PO-Jagwan, PS-Bisfi, District-Madhubani, Pin-847304

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Syed Qaisar Hasan
For the Respondent/s : Mrs. Usha Kumari I

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-08-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of order dated 28.06.2024, informed the informant/complainant. Nobody appeared on behalf of the informant/complainant.

3. 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 bail vide order dated 29.01.2024 passed by learned A.D.J.-1-cum-Special Judge, Madhubani in connection with SC/ST P.S. Case No. 27 of 2023 registered under Sections 420, 409, 323, 354(B), 504, 506, 34 of



the Indian Penal Code and Section 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case is that the appellant received Rs.12 lakh under Nal Jal Yojna but he did not complete the work, as such, he misappropriated the government money.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is no allegation of slating the informant by the specific name of his caste. He submits that appellant is husband of the Ex-Mukhiya and there is no specific overt act against him. He further submits that after investigation, police has submitted the final form against the Mukhiya (wife of the appellant). He also submits that the occurrence took place on 16.08.2022 but present complaint petition has been filed on 31.03.2023 after about five months. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal and has been languishing in custody since 29.01.2024.

6. Learned Spl. PP for the State opposes prayer for bail.

7. Considering the facts and circumstances of the case and custody of the appellant, let the above named appellant, be



enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-1-cum-Special Judge, Madhubani in connection with SC/ST P.S. Case No. 27 of 2023.

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

(Anjani Kumar Sharan, J)

anand/-

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