

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1505 of 2023

Arising Out of PS. Case No.-18 Year-2020 Thana- SC/ST District- Banka

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1. MD. ALAMGIR SON OF MD. MANSUR R/O VILLAGE- ATHPAHARA, P.S.- DHANKUND, DISTRICT- BANKA
 2. MD. AKHTAR SON OF MD. MANSUR R/O VILLAGE- ATHPAHARA, P.S.- DHANKUND, DISTRICT- BANKA
 3. MD. RAVANI SON OF MD. MANSUR R/O VILLAGE- ATHPAHARA, P.S.- DHANKUND, DISTRICT- BANKA
 4. MD. FIROZ SON OF MD. IDRIS R/O VILLAGE- ATHPAHARA, P.S.- DHANKUND, DISTRICT- BANKA
 5. MD. RIYAJI SON OF MD. NASIR R/O VILLAGE- ATHPAHARA, P.S.- DHANKUND, DISTRICT- BANKA

... .. Appellants.

Versus

1. The State of Bihar
2. BHOJAL PASWAN SON OF BHARAT PASWAN R/O VILLAGE-ATHPAHARA, P.S.- DHANKUND, DISTRICT- BANKA

... .. Respondents.

Appearance :

For the Appellant/s	:	Mr. Brij Nandad Prasad
For the Respondent/s	:	Mrs. Usha Kumari-1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 25-01-2024 This appeal has been listed under the heading ‘To Be Mentioned’ at the instance of the Court.

2. On 24.01.2024, the following order was passed in this case :

“Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 28.06.2023, he has informed the informant but none is present on his behalf.



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 anticipatory bail vide order dated 23.01.2023 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Banka in connection with Banka SC/ST P.S. Case No. 18 of 2020 registered under Sections 341, 323, 504, 506 & 147 of the Indian Penal Code and Section 3(1) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.*

4. *Appellants are said to have slated the informant in the name of caste and assaulted him.*

5. *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. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.*

6. *Learned Spl. PP for the State opposed the prayer for bail.*

7. *In the facts and circumstances of the case, let 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 enlarged 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 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Banka in connection with Banka SC/ST P.S. Case No.18 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

3. During course of correcting the order before signing it, I have gone to the case record and the impugned order. In the impugned order, the learned Court below has clearly noted that after investigation, the police has submitted the charge sheet and the learned Court below has taken cognizance against the appellants. It is further noted in the impugned order that NBW has also been issued against the appellants.

4. In such view of the matter and the verdict of the Hon’ble Apex Court in the case of **Bachu Das Vs. State of Bihar and others** reported in **(2014) 3 Supreme Court Cases 471** and in the case of **Prathvi Raj Chauhan** reported in **(2020)**



4 Supreme Court Cases 727, I am not inclined to entertain the prayer for anticipatory bail of the appellants.

5. Accordingly, the order dated 24.01.2024, although it is not signed and uploaded, is hereby recalled and this appeal is dismissed.

(Anjani Kumar Sharan, J)

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