

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1570 of 2024

Arising Out of PS. Case No.-296 Year-2023 Thana- MANSI District- Khagaria

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1. Md. Gaffar Son of Late Md. Ibrahim Resident of Village- Sohri, P.S.- Morkahi, District- Khagaria
 2. Md. Izhar Son of Md. Gaffar Resident of Village- Sohri, P.S.- Morkahi, District- Khagaria
 3. Md. Aktar Son of Late Md. Ibrahim Resident of Village- Sohri, P.S.- Morkahi, District- Khagaria
 4. Md. Danish Son of Md. Gaffar Resident of Village- Sohri, P.S.- Morkahi, District- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Sharda @ Sarda Devi Wife of Magan Sada Resident of Village- Hiyadpur, P.S. Mansi, District- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Umesh Kumar Gupta, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
		Mr.Shailendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-10-2024 Heard learned counsel for the appellants, learned counsel
for the respondent no.2 and learned Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 (As amended by Amendment Act 2015 (Act No.1 of 2016)
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer of anticipatory bail vide order dated
07.12.2023, passed by learned Additional Sessions Judge-1st
cum Special Judge (SC/ST), Khagaria, in connection with



Mansi P.S. Case No.296 of 2023, registered under Sections 447, 323, 504, 506 and 34 of the Indian Penal Code and Section 3(1)(r), 3(2) of the SC and ST Act.

3. Allegation against the appellants is of abusing and assaulting the informant.

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. From bare perusal of the F.I.R., it is clear that there is land dispute between the parties and the parties happens to be the agnates. 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 Spl. PP for the State as well as learned counsel for the respondent no.2 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 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 Additional Sessions Judge-1st cum Special Judge (SC/ST), Khagaria, in connection with Mansi P.S. Case No.296 of 2023, 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)

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