

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2483 of 2023

Arising Out of PS. Case No.-329 Year-2023 Thana- GAYA MUFASIL District- Gaya

SIRAJ MIAN @ SHIRAZUL HAQUE Son of Mazharul Haque @ Mazhar Mian R/o Muhalla - Rosinan Academy School, Abgila, P.S. - Muffasil, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi Wife of Umesh Choudhary R/o Vill - Jagdishpur, P.S. - Muffasil, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dr. Kamal Deo Sharma, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P. Mr.Ajay Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-10-2024 Heard learned counsel for the appellant, learned counsel for the respondent no.2 and learned Special Public Prosecutor 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 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 08.05.2023 passed by learned Exclusive Special Judge, SC/ST, Gaya, in connection with Muffasil P.S. Case No.329 of 2023, registered u/s 341, 323, 354, 379, 504, 406/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

3. As per the F.I.R., allegation against the appellant is to



assault and abuse the informant and her husband by taking caste name.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged has ever taken place and the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case with ulterior motive. There is a delay of about 26 days in lodging the F.I.R., without giving any plausible explanation, which creates doubt about the prosecution case. The allegation of slating the informant levelled against the appellant is not specific rather general and omnibus in nature and cannot be said to be in public view. Hence, no offence under SC/ST Act is made out against the appellant. No one has sustained injury in the occurrence. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

6. In the facts and circumstances of the case, the above named appellant, in the event of his 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) with two sureties of



the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya, in connection with Muffasil P.S. Case No.329 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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