

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2705 of 2023

Arising Out of PS. Case No.-141 Year-2023 Thana- NARPATGANJ District- Araria

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1. MD. ANWAR KHAN @ ANWAR KHAN Son of Late Afsar Khan Resident of village- Gokhlapur, ward no. 02, P.S. - Narpatganj, Distt. - Araria
 2. Sanwar Khan Son of Late Afsar Khan Resident of village- Gokhlapur, ward no. 02, P.S. - Narpatganj, Distt. - Araria
 3. Amjad Khan @ Md. Amjad Khan Son of Late Afsar Khan Resident of village- Gokhlapur, ward no. 02, P.S. - Narpatganj, Distt. - Araria

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ranjit Kumar Rishidev Son of Late Ramji Das Rishidev Resident of village- Gokhlapur, ward no. 02, P.S. - Narpatganj, Distt. - Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mohammad Sufyan
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 24-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Office pointed out that notice has been validly served upon the respondent no.2 but nobody entered appearance on his/her 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 11.05.2023 passed by learned 1st Additional



Sessions Judge - cum-Special Judge, Araria, in connection with Narpatganj P.S. Case No.141 of 2023, registered under Sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the appellants and other accused persons abused the informant by taking his caste name and also assaulted him. It is also alleged that the appellant no.1 took Rs.25000/- from the informant and appellant no.3 also snatched a golden chain from him.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. 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. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellants. Appellants have no criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail. It is submitted by learned counsel for the State that there is specific allegation against the appellant no.2 to abuse the



informant by taking his caste name.

7. Having regard to the facts and circumstances of the case, as there is specific allegation against the appellant no.2 to abuse the informant by taking his caste name, I am not inclined to enlarge the appellant no.2 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

8. However, there is general and omnibus allegation against the appellant no.1 and 3, let the above named appellant no.1 and 3, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge - cum-Special Judge, Araria, in connection with Narpatganj P.S. Case No.141 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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