

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2612 of 2022**

Arising Out of PS. Case No.-187 Year-2020 Thana- RAMGARHWA District- East
Champanan

MD. SAFIULLAH S/o Maksud Miyan R/o village- Belahiya, P.S.-
Ramgarhwa, District- East Champanan

... .. Appellant/s

Versus

1. The State of Bihar
2. Anita Devi Wife of Bihari Ram R/o vill- Belhiya, P.S.- Ramgarhwa Dist-
East Champanan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

6 07-02-2024 Heard learned counsel for the appellant 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 11.01.2023, he has
informed the informant but none is present on 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
05.07.2022 passed by learned Special Judge (SC/ST Act), East
Champanan at Motihari in connection with Ramgarhwa P.S.
Case No. 187 of 2020 registered under Sections 147, 148, 149,



341, 323, 324, 337, 338, 307, 295A, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Appellant in association of other co-accused is said to have abused and assaulted the informant and her family members.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case at the instance of his enemies. It is further submitted that the appellant was not named in the F.I.R. but during course of investigation, the appellant's name surfaced in this case on the basis of supervision report of the Dy.S.P. merely on suspicion. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has 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.

7. 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 Special Judge



(SC/ST Act), East Champaran at Motihari in connection with
Ramgarhwa P.S. Case No.187/2020, 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.

(Anjani Kumar Sharan, J)

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