

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3034 of 2024

Arising Out of PS. Case No.-235 Year-2022 Thana- KHAIRA District- Jamui

Md. Anwar Mian @ Md. Anwar Miya @ Anwar Miyan S/O Late Saiyad Mian
@ Late Md. Saiyad Hasan R/O Village- Nai Tola, Sikandra, P.S- Sikandra,
Distt.- Jamui (Bihar). ... Appellant/s

Versus

1. The State of Bihar
2. Rajendra Kumar Das Kailash Ravidas Resident of Village- Gopalpur, P.S.-
Khaira, District- Jamui ... Respondents.

Appearance :

For the Appellant/s : Mr. Pramod Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 18-10-2024 Heard learned counsel for the appellant and
learned Special Public Prosecutor for the State.

2. Learned Special P.P. for the State submitted that
in compliance of the order dated 23.08.2024, the informant was
communicated through the Superintendent of Police concerned
to appear before this Court, but in spite of valid communication
there is no representation on behalf of the informant.

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 for bail vide order
dated 29.05.2024 passed by learned 1st Additional Sessions
Judge cum Special Judge (SC/ST Act), Jamui in connection with



SC/ST Case No.68 of 2023, arising out of Khaira P.S. Case No. 235 of 2022 registered under Sections 406 and 420 of the Indian Penal Code and Section 3(i) (r), 3 (i) (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The appellant in association of other co-accused is said to have taken Rs.14.19 lacs from the informant on the assurance to provide him job within two months. After expiry of two months, when the informant met the appellant and the co-accused, they started abusing and threatened for dire consequences.

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 due to dirty village politics. It is further submitted that no such kind of transaction or any assurance as alleged by the informant had taken place between the parties. During course of investigation, no cheat of paper has been recovered or produced. It is further submitted that after investigation the police has submitted the charge-sheet and, on 20.08.2023, the charge has been framed. Slatting the informant in the name of caste is said to have been made at the house of the appellant and not in public view, hence



no offence under SC/ST Act is made out against the appellant.

Appellant has been languishing in custody since 29.05.2023.

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 is directed to 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 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Jamui in connection with SC/ST Case No.68 of 2023, arising out of Khaira P.S. Case No.235 of 2022, subject to the following conditions:

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The appellant shall not indulge himself in any similar offence till conclusion of the trial.

(iii) The appellant shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.



(iv) The appellant shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) The appellant will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

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

(Anjani Kumar Sharan, J)

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