

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3561 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- SC/ST District- Vaishali

Md. Reyajul, (Male), aged about 65 years, Son of Md. Saddique, Resident of village-Begampatti, P.S. - Gorul (Kathara O.P.), Distt. - Vaishali.

... .. Appellant

Versus

1. The State of Bihar.
2. Ashrafi Ram, Son of Late Ram Ashish Ram, Resident of village-Begampatti, P.S. - Gorul (Kathara O.P.), Distt. - Vaishali.

... .. Respondents

Appearance :

For the Appellant	:	Mr. Ranjit Kumar Thakur, Advocate
For the Respondent No.2	:	Mr. Dileep Kumar Jha, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 23-02-2024 Learned counsel for the appellant is directed to remove the defect(s) as pointed by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the appellant, learned counsel for the respondent no. 2 and learned Spl. P.P. for the State.

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 of the appellant vide order dated 03.07.2023, passed by the learned Special Judge, SC/ST, Vaishali at Hajipur, in A.B.P. No. 1729 of



2023 in connection with SC/ST P.S. Case No. 22 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 380, 447, 448, 354, 324, 307, 427, 385, 504, 506 of the I.P.C. and Sections 3(i)(s), 3(i)(r), 3(i)(w), 2(2)(va) of the SC/ST Act.

4. The prosecution case, in brief, is that on 17.05.2023, at about 10.30 A.M., when the informant and his family members were at home, all the accused persons including the appellant variously armed came to his house and abused him and trespassed his house and on protest, the co-accused Md. Ijraul Mian hit him on his head with farsa causing head injury and other accused persons assaulted him with danda, fists and slaps and when his wife Urmila Devi came, the co-accused Sonu Kumar caught her and thrashed on the ground, as a result of which, her sari and blouse was opened. It is further alleged that the co-accused Bhola Sah with an intent to outrage her modesty tore her blouse and the informant's son Akhilesh Kumar was assaulted by lathi, danda, fists and slaps and her paternal house was damaged and the accused persons also removed box of the wife and the daughter-in-law worth Rs. 1,00,000/-containing clothes and ornaments.

5. It is submitted by learned counsel for the



appellant that the appellant is quite innocent and has falsely been implicated in the present case due to ulterior motive. There is general and omnibus allegation against the appellant. There is case and counter case between the parties. It is further submitted that the appellant and the informant are the next door neighbours and on the alleged date and time of occurrence, some altercation took place between Nirmala Devi and the informant of this case. The appellant went there to settle the dispute but the informant created a false story and the appellant has been made accused in this case. Title Suit No. 143 of 2021 is also going on between the informant and Jitendra Kumar, the husband of Nirmala Devi. It is further submitted that the injury sustained by the informant on his head was found to be simple. It is further submitted that no member of public was present at the relevant point of time of the alleged occurrence. Hence, no offence under SC/ST Act is made out against the appellant. The appellant has clean antecedent as stated in paragraph no. 3 of the memo of appeal.

6. Learned Spl. P.P. for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the appellant.

7. In view of the aforesaid facts and circumstances



of the case, the impugned order dated 03.07.2023, passed by the learned Special Judge, SC/ST, Vaishali at Hajipur, in A.B.P. No. 1729 of 2023 in connection with SC/ST P.S. Case No. 22 of 2023, is set aside against the appellant. The criminal appeal is allowed.

8. Accordingly, 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 enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST, Vaishali at Hajipur in connection with SC/ST P.S. Case No. 22 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Prakash Singh, J)

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