

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3720 of 2023**

Arising Out of PS. Case No.-47 Year-2023 Thana- SANOKHAR District- Bhagalpur

TASKIM @ MD. TASKIM Son of Md. Aslam R/o vill - Digghi, P.S. -
Mahagama/Mahagama, Distt. - Godda (Jharkhand)

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Sulochana Devi Wife of Arvind Paswan R/o vill - Sahupada, P.S. - Sanokhar,
Distt. - Bhagalpur (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Nurul Hoda, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

6 26-09-2024 Heard learned counsel for the parties. Despite

valid service of notice nobody appears on behalf of respondent

No. 2.

2. This appeal has been filed for setting aside order
dated 27.03.2023 passed in a case registered for the offence
punishable under sections 341, 325 , 147, 149, 337, 354, 338 ,
504 and 506 and other allied sections of the Indian Penal Code
and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled
Tribes (POA) Act, whereby the prayer for anticipatory bail of
the appellant has been rejected.

3 . As per prosecution case , on the alleged date and
time of occurrence , when informant went to purchase hens, in



the meantime, this appellant caught collar of informant and abused him by caste name . It is further alleged that later on this appellant along with 50 persons came to the house of informant assaulted him by means of fists, leg, sword and iron rod and looted certain articles from his house and also misbehaved with informant.

4. It is submitted on behalf this appellant that appellant has falsely been implicated in this case . As a matter of fact, during purchase of hens, an altercation took place between both the parties and taking advantage of the same , this false and concocted case has been lodged against this petitioner. Injuries sustained by injured is simple in nature . It is not the case of prosecution that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5 . The learned Special public prosecutor for the State vehemently opposed the prayer for bail of these appellants.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs.



10,000/- (Ten thousand) with two sureties of the like amount
each to the satisfaction of the learned 3rd Additional Sessions
Judge cum Special Judge, SC/St Act Bhagalpur in connection
with Sanhokhar Police Station Case No. 47 of 2023 .

(Prabhat Kumar Singh, J)

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