

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4005 of 2024

Arising Out of PS. Case No.-124 Year-2023 Thana- RAUTARA District- Katihar

Md. Ibrahim Son of Asgar Ali Resident of Village - Maheshwa, P.S.- Rautara,
District - Katihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Satyendra Kumar Jha Son of Indramohan Jha Resident of Village - Koilwar,
P.S.- Raj Nagar, District - Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhola Prasad

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 04-09-2024 Heard learned counsel for the appellants as well as
learned Spl.P.P. for the State.

2. This appeal has been preferred on behalf of the appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 12.08.2024 passed by the learned A.D.J.-I-cum-Special Judge SC/ST Act, Katihar in connection with Rautara P.S. Case No. 124 of 2023, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 337, 338, 332, 333, 353, 307, 354(B), 504, 427, 386, 285 of the Indian Penal Code & Section 3(1)(r)(s)/3(2)(va) of SC and ST (Prevention of Atrocities) Act and Section 8 of Bihar Saw Mill



(Regulation) Act 1990 and Section 8 of Indian Forest Act, 1927 and Section 41, 33, 42, 52 of Bihar Amendment Forest Act, whereby the prayer for bail of the appellant has been rejected.

3. As per allegation, on 25.12.2023, SI Munna Ram received an information that the police force of forest department are being assaulted by some people on which the informant rushed to the spot along with police party and saw that local people are assaulting the forest police by stick and weapons on which the informant tried to save them but the aggressive people also assaulted him and abused him. On the basis of the footage of the incident police lodged an FIR against 30 named accused including aforesaid petitioner.

4. Learned counsel for the appellant submits that for the same occurrence Rautara P.S. Case No. 123/2023 has also been lodged by one Munna Ram and in that case the appellant has been granted bail. He also submits that the FIR shows itself that the occurrence had not taken place due to malicious feeling of caste as such the provisions of SC/ST Act is not attracted. There is no case against the appellant except Rautara P.S. Case No. 123 of 2023.

5. In view of above facts, there is no need to issue notice to the informant.



6. Considering the above-mentioned facts and circumstances, the appellant, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-I-cum-Special Judge SC/ST Act, Katihar in connection with Rautara P.S. Case No. 124 of 2023.

7. The learned court below shall verify the criminal antecedents of the appellant and if it is found that there is any other case against the appellant except the present one and Rautara P.S. Case No. 123 of 2023, his bail bond shall not be accepted.

(Nawneet Kumar Pandey, J)

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