

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4906 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- SC/ST District- Araria

1. Nahreja Khatoon wife of Late Haroon Village- Hayatpur Ps- Araria Dist- Araria
2. Pinky wife of Sufiyan Village- Hayatpur Ps- Araria Dist- Araria
3. Noorjahan wife of Zafar Village- Hayatpur Ps- Araria Dist- Araria
4. Urfan son of Late Haroon Village- Hayatpur Ps- Araria Dist- Araria
5. Subhan son of Late Haroon Village- Hayatpur Ps- Araria Dist- Araria
6. Usman son of Late Haroon Village- Hayatpur Ps- Araria Dist- Araria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Vijay Kishore Bharti, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	Mr. Gopal Kr. Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 27-06-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 17.06.2023 passed by the court of learned 1st Additional Sessions Judge-cum-Special Judge, Araria, in a case registered for the offence punishable under sections 147, 149, 341, 323, 324, 504 and 506 of the Indian Penal Code and Sections 3(i)(r) and 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

3. As per prosecution case, it is alleged that on



16.03.2023, while the informant along with other co-villagers was working in the brick kiln, all the accused persons named in the F.I.R., including these appellants, came there and abused the informant by caste name and assaulted the informant and others.

4. It is submitted by learned counsel appearing on behalf of the appellants that allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these appellants. Injuries sustained by the injured has been opined to be simple in nature. As a matter of fact, appellants have a piece of land under Mauza Haryatpur by side of the brick kiln of one Safid Hussain and he is misusing the aforesaid piece of land since 2010 forcefully and when the same was objected, he got this false and concocted case lodged against the appellants. It is not the case of the prosecution that any member of the public was present at the time of incidence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellant Nos. 1, 2 and 3 are ladies and all the appellants have got clean antecedents.

5. Learned Spl. P.P. for the State and learned counsel appearing for Respondent No. 2 have opposed the prayer for grant of bail to the appellants.



6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 17.06.2023 passed by the court of learned 1st Additional Sessions Judge-cum-Special Judge, Araria, in connection with SC/ST, Araria P.S. Case No. 10 of 2023 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Araria, in connection with SC/ST, Araria P.S. Case No. 10 of 2023.

(Prabhat Kumar Singh, J)

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