

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5111 of 2023

Arising Out of PS. Case No.-570 Year-2023 Thana- BELAGANJ District- Gaya

Md. Rashid Alam @ Rashid Alam @ Bhola Son Of Md. Pravej @ Pravej
Alam Resident Of Balapur, Ps Belaganj, Dist Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kr. Sinha, Adv.

For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 02-05-2024 Despite valid service of notice, no one appears on
behalf of the informant.

2. Heard the parties.

3. This appeal has been filed against the order dated 30.09.2023 passed by learned Exclusive Special Judge SC/ST Special Court, Gaya in connection with A.B.P. No. 315 of 2023 arising out of Belaganj P.S. Case No. 570 of 2023, registered under Sections 341, 323, 504, 325, 354 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

4. It is alleged that appellant assaulted the informant due to which her shoulder got fractured. It is also alleged that the appellant abused the informant by her caste name.

5. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case. There is general and omnibus allegation against her. It is further



submitted that though there is allegation of assault but no injury report is there on record. It is not the case of the prosecution, that any member of public was present at the time of occurrence or within the public view, as such, no offence under SC/ST Act is made out. Appellant is a lady claims clean antecedent.

6. Learned Spl. Public Prosecutor for State opposes the bail application.

7. Considering the aforesaid facts, let the appellant, as named above, in the event of her arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Judge SC/ST Special Court, Gaya in connection with A.B.P. No. 315 of 2023 arising out of Belaganj P.S. Case No. 570 of 2023.

8. Accordingly, the impugned order dated 30.09.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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