

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.119 of 2024

Arising Out of PS. Case No.-43 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Parween Bano W/o Md. Shaukat Ali R/o Langartoli, Bari Road, P.O. - Bankipur, P.S. - Pirbahore, Distt. - Patna 800004
 2. Shirin Ali D/o Md. Shaukat Ali R/o Langartoli, Bari Road, P.O. - Bankipur, P.S. - Pirbahore, Distt. - Patna 800004
 3. Vikki @ Ali Ashraf Son of Md. Shaukat Ali R/o Langartoli, Bari Road, P.O. - Bankipur, P.S. - Pirbahore, Distt. - Patna 800004
 4. Shaukat Ali @ Munna @ Md. Shaukat Ali Son of Late Ramjuddin R/o Langartoli, Bari Road, P.O. - Bankipur, P.S. - Pirbahore, Distt. - Patna 800004

... .. Appellant/s

Versus

1. The State of Bihar
2. Joginder Chaudhary @ Joginder Baitha Son of Late Basudev Baitha R/o Kamtaul, P.S. - Korhni, Distt. - Muzafferpur, At present R/o Langartoli, P.S. - Pirbahore, Distt. - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anisur Rahman
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-02-2024 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. 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 vide order dated 16.12.2023 passed by learned Special Judge (SC/ST), Patna, in connection with Complaint Case No. 43 of



2021 registered under Sections 323, 379, 504, 506 of the Indian Penal Code and Sections 10(1) and 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, it is alleged that the appellants came and started abusing by taking caste name and slapped complainant and took out Rs. 5,000/- from complainant's pocket.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste, hence, no offence under SC/ST Act is made out against the appellants. He submits that there is no specific overt act against the appellants. He further submits that there is case and counter case between the parties. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State opposes payer for bail and submits that cognizance has already been taken by the learned Court below against the appellants, *prima facie*, it is found that appellants are involved in the present case. He further relies on the judgment of Hon'ble Apex Court passed in the case of **Bachu Das vs. State of Bihar** reported in (2014) 3 SCC 471.



6. Considering the facts and circumstances of case and the judgment of Hon’ble Apex Court passed in the case of ***Bachu Das*** (*supra*), I am not inclined to enlarge the appellants on anticipatory bail. The prayer for anticipatory bail of the appellants is hereby rejected.

7. However, if the appellants surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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