

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.851 of 2025

Arising Out of PS. Case No.-407 Year-2024 Thana- AURANGABAD TOWN District-
Aurangabad

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Mohammad Raja Quraishi @ Imroj @ Md. Raja @ Imroj Son of Md. Ekram
Quraishi Village- Quraishi, P.S- Aurangabad Town, District- Aurangabad
... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajendra Nath Sinha
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 14-11-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. An appearance has been filed on behalf of the respondent no. 2, however, no one is appearing and this Court has been informed that on the last date also, no one appeared on behalf of the respondent no. 2. The case is thus, being heard in presence of the Special Public Prosecutor.

3. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 21.01.2025, passed by learned Special Judge, SC/ST-cum-1st District and Additional Sessions Judge, Aurangabad in connection with Aurangabad Town P.S. Case No.



407 of 2024, registered under Sections 341, 323, 504, 34 of the Indian Penal Code and Sections 3(i) (r)(s), 3(2)(va) of SC/ST Act.

4. The case of the prosecution is that on 07.06.2024 at about 2:00 at night, while the informant was going to attend Qawaali, one Aman Khan stopped him and hurled caste based abuses at him and about 8 to 10 persons also assaulted him by means of lathi, danda and iron rods, the appellant Md. Raja Quraishi also being one of them.

5. Learned counsel for the appellant, at the outset, submits that general and omnibus allegations have been levelled against the appellant with regard to assault and so far as specific allegation of hurling caste based abuse is concerned, the same is confined to co-accused Aman Khan. It has also been submitted that the occurrence is alleged to have taken place at 2 O' clock in the night, hence nothing took place in public view. It has also been submitted that there is virtually no witness to the case and the informant has not even produced any medical evidence with regard to his injury. As a matter of fact, it is only due to political rivalry that the appellant has been made an accused in this case.

6. Learned Spl.PP for the State has opposed the prayer for anticipatory bail on the ground of allegations made in the



first information report.

7. It prima facie appears that the occurrence has not taken place in public view and hence the provisions of the SC/ST Act would not get attracted.

8. Taking into consideration the facts and circumstances and also considering the factum of general nature of allegations against the appellant with no specific allegation of assault or abuse, let the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST-cum-1st District and Additional Sessions Judge, Aurangabad in connection with Aurangabad Town P.S. Case No. 407 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

9. Accordingly, the impugned order is set aside and the appeal is allowed.

(Soni Shrivastava, J)

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