

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2236 of 2023

Arising Out of PS. Case No.-50 Year-2022 Thana- SC/ST District- Sheikhpura

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1. MD. SALIM KHAN @ MD. SALIM Son of Manik Miyan @ Md. Manir R/o village - Hasauri, P.S. and Distt. Sheikhpura
 2. Md. Asgar @ Md. Asgar Alam Son of Md. Aziz Miyan R/o village - Hasauri, P.S. and Distt. Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar
2. RAJNITI PASWAN Son of Late Charitra Paswan R/o village - Hasauri, P.S. and Distt. - Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dinkar Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Ram Prakash Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 01-05-2025 Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 06.04.2023 passed by learned 1st Additional District and Sessions Judge, Sheikhpura in connection with SC/ST Case No. 139/2022 arising out of Sheikhpura SC/ST P. S. Case No. 50 of 2022, registered under Sections 341, 323, 324, 379, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per prosecution case, on 16.12.2022, informant



was going to plough his field and as he reached Masjid Gali, all the F.I.R. named accused persons including these appellants came there and abused him by caste name. It is alleged that appellant No. 1 assaulted informant with Bhala which hit his leg and appellant No. 2 snatched Rs. 1,100/- from his pocket.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. Both parties are co-villagers and due to petty dispute, scuffle took place between them. Injury allegedly caused by appellant No. 1 is simple in nature. Rest of the allegations are ornamental to make the case grave. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against appellants.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the informant vehemently opposed the bail application and submitted that there is specific allegation against appellant No. 1 that he abused informant by caste name and appellant No. 2 has got two criminal antecedents.

6. Considering the nature of accusation, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail



on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge, Sheikhpura in connection with Sheikhpura SC/ST P. S. Case No. 50 of 2022.

7. Accordingly, this criminal appeal is allowed and impugned order dated 06.04.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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