

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2660 of 2024

Arising Out of PS. Case No.-312 Year-2021 Thana- KALYANPUR District- East Champaran

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AMZAD ALAM SON OF MOHTAB ALI MIAN @ MEHATAB MIAN
RESIDENT OF VILLAGE - SISWA KHARAR, P.S. - KALYANPUR,
DISTRICT - EAST CHAMPARAN

... .. Appellant/s

Versus

- 1 . THE STATE OF BIHAR
2. REKHA DEVI WIFE OF AMARJIT RAM RESIDENT OF VILLAGE -
SISWA KHARAR, P.S. - KALYANPUR, DISTRICT - EAST
CHAMPARAN

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Kundan Rathore, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-02-2025 Heard learned counsel for the parties. Despite

valid service of notice , nobody appears on behalf of respondent

No. 2.

2. This appeal has been filed for setting aside order
dated 30.042024 passed in a case registered for the offence
punishable under sections 341,323,354,379,504,506,34 of
Indian Panel Code and 3(i) (r) (s) SC/ST POA Act 2015 ,
whereby the prayer for anticipatory bail of the appellant has
been rejected.

3 . As per the prosecution case , informant rekha devi
alleged that on 13.11.2021 at about 8:00 pm, all the F.I.R.,
named accused persons including this appellant were playing



vulgar songs on DJ in front of house of informant. When informant object, all the accused persons assaulted and abused her by caste name . It is further alleged that this appellant along with other co-accused persons threatened informant with dire consequences.

4. It is submitted that on the alleged date and time of occurrence a dispute arose between the parties over playing DJ which led to a simple occurrence of maarpeet between them. Allegation of abuse and assault is general and omnibus in nature against the appellant. No specific overt act has been alleged against him. It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Rest of the allegations are ornamental in nature . Appellant claims clean antecedent.

5 . Learned Public Prosecutor for the State opposed the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, 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) with two sureties of the like amount



each to the satisfaction of the learned Special Judge SC /ST
Motihari East Champaran in connection with Kalyanpur P.S.
Case No. 312 of 2021 .

(Prabhat Kumar Singh, J)

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