

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2906 of 2024

Arising Out of PS. Case No.-120 Year-2024 Thana- AMAUR District- Purnia

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1. Jabir @ Md Jabir @ Md Jawed Alam @ Jabri Son of Late Mojibur Rahman Resident of village - Kharhiya Ward No.- 14, P.S.- Amour, District - Purnia
 2. Murshid @ Murshid Alam @ Md Murshid Alam Son of Jabir @ Md Jabir @ Md Jawed Alam Resident of village - Kharhiya Ward No.- 14, P.S.- Amour, District - Purnia

... .. Appellant/s

Versus

1. The State of Bihar
2. Most. Domani Devi @ Dhumni Wife of Late Panchlal Harijan Resident of village - Kharhiya, P.S.- Amour, District - Purnia

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md Ziaul Quamar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 17-04-2025 Despite filing *Vakalatnama*, none appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellants and the State.

3. This appeal has been filed against the order dated 18.05.2024 passed by learned Special Judge, SC/ST Act, Purnia in connection with A.B.P. No. 49 of 2024 arising out of Amour P.S. Case No. 120 of 2024, registered under Sections 341, 323, 307, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of



appellants has been rejected.

4. Prosecution case, in brief, is that on 17.03.2024 at 2:30 PM, when informant sent her grandsons to buy surf from the shop of appellant No. 1, he refused to give them the product and started abusing them by caste name. When informant went to pacify the matter, she and her family members were assaulted by the accused persons by means of *lathi*, *dabiya*, knife.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. As a matter of fact, present case is counter blast of Amour P. S. Case No. 124 of 2024 which was filed by appellant No. 1 against informant and others and only with a view to save their skin, this false and concocted case has been lodged. Allegation of assault against the appellants is general and omnibus. Doctor has found simple injury. 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 the appellants. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the nature of accusation, materials available on record and clean antecedent, 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 Special Judge, SC/ST Act, Purnia in connection with Amour P.S. Case No. 120 of 2024.

8. Accordingly, this criminal appeal is allowed and impugned order dated 18.05.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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