

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3321 of 2023**

Arising Out of PS. Case No.-16 Year-2021 Thana- SC/ST District- Purnia

Abu Samad Son Of Late Matlib @ Abdul Matlib R/O-Bairia, P.O.-Kanhariya,
P.S.-Baisi, Distt.-Purnia

... .. Appellant/s

Versus

1. The State of Bihar
2. Birbal Boshak Son Of Late Chhakman Bosak R/O-Bairia, P.O.-Kanhariya,
P.S.-Baisi, Distt.-Purnia

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Helal Ahmad
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

9 07-02-2025

Heard the parties.

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 13.02.2021 passed by learned Special Judge SC/ST Act, Purnia in connection with SC/ST P.S. Case No. 16 of 2021, Bail Petition No. 67/2023, C.I.S. No. 67/2023 registered under Sections 147, 149, 341, 323, 427, 379, 354, 504, 506 of the IPC and Sections 3(i)(r)(s), 3(2) (Va) of SC/ST (Prevention of Atrocities) Act.

3. As per allegation in the FIR, it has been stated



that the informant was working at this field, meanwhile 15-20 persons including the appellant reached there and abused the informant by calling his caste name and they also destroyed maize crop of the informant. When alarm was raised by the informant, his wife came to save him then all the accused persons including the appellant assaulted the informant's wife and undressed her. It is further alleged that chain of silver was snatched by the co-accused, Anwarul, from the neck of informant's wife and at the time of departure the accused persons threatened of dire consequences.

4. Learned counsel for the appellant submits that appellant bears criminal antecedent of two cases in which he is already on bail. He further submits that the said case has been lodged just because appellant has been made witness in the Baisi P.S. Case No. 124 of 2017 and by virtue of said facts, he has been accused in the said two cases. He further submits that alleged occurrence took place on 04.02.2021 but FIR has been lodged on 13.02.2021 after delay of nine days without any plausible explanation, which creates doubts about prosecution story. He further submits



that co-accused Syed Shamshad Alam & Ors. have already been granted anticipatory bail by the co-ordinate Bench of this Court vide Cr.Appeal (SJ) No. 2107 of 2022 and the case of present appellant stands on similar footing. He further submits that there is no specific allegation against the appellant rather the same is general and omnibus in nature. In the light of aforesaid facts and circumstances of the case, no offence is made out against the appellant.

5. Learned Spl. PP for the State vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the appellant above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the learned Special Judge SC/ST Act, Purnia in connection with SC/ST P.S. Case No. 16 of 2021, Bail Petition No. 67/2023, C.I.S. No. 67/2023, subject to the conditions as



laid down under Section 438(2) of the Cr.P.C.

7. Accordingly, the impugned order passed by the trial court is hereby set aside and appeal stands allowed.

(Alok Kumar Pandey, J)

vashudha/-

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