

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1752 of 2021**

Arising Out of PS. Case No.-126 Year-2020 Thana- BASANHI District- Saharsa

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AFROJ ALAM @ MD. AFROJ ALAM, Son of Late Rafikuddin Resident of
Village - Pama Golabasa, Police station - Basnahi, District - Saharsa.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shailendra Kumar Singh
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-07-2021 Heard Mr. Shailendra Kumar Singh, learned

Advocate for the appellant and Mr. Kumar Ravi Shankar,

learned counsel for the informant. The State is

represented by Mr. Binay Krishna, learned Special Public

Prosecutor for the SC/ST Act.

The appellant has challenged the order, dated

19.01.2021, passed by the learned A.D.J.-III, Saharsa,

in connection with 724 of 2020, arising out of Basnahi

P. S. Case No. 126 of 2020, whereby the prayer made

on behalf of the appellant for grant of anticipatory bail

for the offences punishable under Sections 341, 323,

324, 354, 379 and 504 of the Indian Penal Code and



Section 3 (I) (w) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation against the appellant and others is of having abused and assaulted the members of the prosecution party.

It has been alleged in the F.I.R. that on the orders of the appellant, the informant and his daughter was assaulted by other accused persons.

The learned counsel for the appellant has submitted that he is only an order giver and that there is a counter version of the occurrence which has been lodged by the appellant himself *vide* Basnahi P. S. Case No. 127 of 2020 against the informant and others.

It has further been submitted that there is a dispute of five (5) katthas of land which is the bone of contention between the parties.

It has also been pointed out that the two victims, namely, the informant / Ramotar Ram and Kiran



Kumari have suffered simple injuries.

As opposed to the aforesaid contentions, Mr. Kumar Ravi Shankar, learned counsel for the informant has submitted that the appellant is an Ex-Mukhiya and from a search of his house, several incriminating documents were recovered. In fact, the superior police officer has also found the appellant guilty under many counts.

The learned counsel for the appellant, on the other hand, has submitted that these grounds do not make out any case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Regard being had to the nature of accusation against the appellant, the order, dated 19.01.2021, passed by the learned A.D.J.-III, Saharsa, is set aside.

The appeal stands allowed.

The appellant, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks



from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-III, Saharsa in connection with Basnahi P. S. Case No. 126 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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