

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2570 of 2021

Arising Out of PS. Case No.-388 Year-2020 Thana- KORHA District- Katihar

Md. Obaidur @ Md. Ovaider @ Md. Ovedur S/O- Late Amjad Ali R/O-
Raksi, P.S. - Korha, Distt. - Katihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar Singh- Advocate
For the Respondent/s : Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-07-2021 Heard Mr. Sanjeev Kumar Singh, the learned
Advocate for the appellant and Mr. Binay Krishna, the learned
Special Public Prosecutor for the State.

The appellant has challenged the order dated
09.03.2021 passed by the learned Additional Sessions
Judge-1st-cum-Special Judge, Katihar in connection with
Korha P. S. Case No.388 of 2020, instituted for the offences
under Sections 419, 420 of the Indian Penal Code and
Section 3(r)(s) of the Scheduled Castes & Scheduled Tribes
(Prevention of Atrocities) Act, 1989, whereby their prayer
for grant of anticipatory bail has been rejected.

According to the F.I.R., in presence of the
appellant, money was given to two of the vendors of a land
in question about which there was an agreement to sale.



It has been alleged in the F.I.R. that the vendors, even after accepting the consideration money, did not transfer the land to the informant. When this matter was brought to the notice of the appellant by the informant and a request was made to him to intercede on his behalf, the appellant is said to have abused the informant on telephone by taking his caste name.

The learned Advocate for the appellant has submitted that in the process of transfer of the land, the appellant has played no part except for having provided a platform for the vendor and vendee to talk.

In that view of the matter, the offences under the I.P.C. cannot at all be said to have been made out so far as the appellant is concerned.

The learned Advocate for the appellant has further submitted that the accusation against him is of abusing the informant on telephone. This, it has been urged, would not make out a case under Section 3(x) of the SC/ST (P.O.A.) Act.

It has further been submitted that there has been an inordinate delay in lodging of the F.I.R. The occurrence is said to have taken place on 29.06.2019 but the F.I.R. has



been lodged on 19.08.2020.

In the aforesaid background facts, it has been urged, no offence under the SC/ST (P.O.A.) Act can at all be said to have been made out against the appellant.

For the reasons afore-stated, the order dated 09.03.2021 is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1-cum-Special Judge, Katihar in connection with Korha P. S. Case No.388 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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