

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.721 of 2021**

Arising Out of PS. Case No.-57 Year-2020 Thana- SC/ST District- Araria

MD PRAVEJ @ PRAVEJ ALAM, S/o Late Noor Alam Resident of Village-
Ahmadpur, Ward No.04, P.S.- Simraha, Distt- Araria.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Prasad Singh
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 30-06-2021 Heard Mr. Anil Prasad Singh, learned Advocate

for the appellant and Mr. Binay Krishna, learned Special

Public Prosecutor for the State.

The appellant has challenged the order 27th of
November, 2020, passed by the 1st Additional Sessions
Judge cum Special Judge, Araria, in connection with ABP
No. 1672 of 2020, arising out of Araria (SC/ST) P. S.
Case No. 57 of 2020, corresponding to Special (SC/ST)
Case No. 167 of 2020, whereby the prayer made on
behalf of the appellant for grant of anticipatory bail for
the offences punishable under Sections 341, 323, 354,
504, 506 and 34 of the Indian Penal Code and Section 3



(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

It has been urged on behalf of the appellant that an absolutely false case has been lodged because of land dispute. Prior to the lodging of the present case, a complaint was made by the appellant and others against the informant of this case that he along with his associates had tried to grab the land of the appellant.

There is a delay of 14 days in lodging the F.I.R. The occurrence is said to have taken place on 13.07.2020 but the F.I.R. was lodged on 27.07.2020.

It has been argued that if the afore-stated facts are taken into account, it would become very clear that the offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 does not get attracted.

Regard being had to the afore-stated facts, the order 27th of November, 2020, passed by the 1st Additional Sessions Judge cum Special Judge, Araria, 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 1st Additional Sessions Judge cum Special Judge, Araria in connection with Araria (SC/ST) P. S. Case No. 57 of 2020, corresponding to Special (SC/ST) Case No. 167 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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