

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5023 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- SC/ST District- Vaishali

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1. MD. ISHTEYAQUE@ Md. Ishtayek Son of Late Md. Kasim @ Md. Kazim
 2. Nikhat Parween@Nikahat Parween Wife of Md. Ishteyaque @ Md. Ishtayek
 3. Soni Khatoon D/o Md. Ishteyaque @ Md. Ishtayek
 4. Md. Ekhlague @ Md. Eklakh @Md. Jahangir @ Jahangir Son of Md. Ishteyaque under the guardianship of his father Md. Ishteyaque @ Md. Ishtayek.
- All resident of Village- Mansoorpur, P.S.- Bidupur, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Md. Anisur Rahman
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 08-02-2021 Heard both sides.

The appellants filed this appeal under Section 14(A) (2) of the S.C./S.T.(Prevention of Atrocities) Act for grant of bail to the appellants in Hajipur(S.C./S.T.) P.S. case No.28 of 2019 registered under Sections 341, 323, 324, 307, 147, 149, 379 and 504 of the Indian Penal Code and under Sections 3(1)(r)(s), 3(2)(Va) of S.C./S.T. Act.

The informant alleged that while he was constructing his brick built house on 29.06.2019 at 5.30 P.M., the accused persons-appellants and others having armed with different weapons came, abused the informant and his family members



and also assaulted them. It is alleged that the accused persons took away different articles and ornaments from their possession.

Learned counsel for the appellants submits that dispute occurred due to land dispute. Khesra No.1167 stands in the name of the father of appellant No.1. A proceeding under Section 144 Cr.P.C. vide Misc. Case No.P/143 of 2019 was also initiated with regard to Khesra No.1167. A title suit being Title Suit No.499 of 2019 is also pending in which the father of the informant is defendant No.6. There is a bonafide land dispute and on account of such, the informant being the member of S.C./S.T. lodged this criminal case taking privilege of special status of being S.C./S.T. under the Act but in fact, no such occurrence took place and appellants only made protest and restrained the informant and his family members to take possession over the lands of the appellants. It is further submitted that appellant No.2 is the wife and the appellant Nos.3 and 4 are the daughter and the son of appellant No.1.

Learned A.P.P. opposed the prayer for bail.

Having considered the facts that there appears to be a bonafide land dispute between the two sides for which a proceeding under Section 144 Cr.P.C. was also initiated and a



title suit is pending between the parties, let the appellants, above named, in the event of their arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge I-cum-Special Judge, Hajipur, Vaishali in connection with Hajipur(S.C./S.T.) P.S. case No.28 of 2019.

The appeal is accordingly allowed.

(Prabhat Kumar Jha, J)

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