

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5072 of 2019

Arising Out of PS. Case No.-121 Year-2019 Thana- SC/ST District- Araria

1. MD. MAJEED Son of Late Liyakat Resident of Village - Jogindar, Ward No. 7, P.S.- Mahalgaon, District - Araria
2. Md. Ekram Son of Late Shovan Resident of Village - Jogindar, Ward No. 7, P.S.- Mahalgaon, District - Araria
3. Md. Sajid Son of Md. Ekram Resident of Village - Jogindar, Ward No. 7, P.S.- Mahalgaon, District - Araria
4. Md. Azad Son of Md. Majeed Resident of Village - Jogindar, Ward No. 7, P.S.- Mahalgaon, District - Araria
5. Md. Mumtaz Son of Md. Majeed Resident of Village - Jogindar, Ward No. 7, P.S.- Mahalgaon, District - Araria
6. Md. Sajjad Son of Md. Majeed Resident of Village - Jogindar, Ward No. 7, P.S.- Mahalgaon, District - Araria
7. Md. Seraj Son of Md. Majeed Resident of Village - Jogindar, Ward No. 7, P.S.- Mahalgaon, District - Araria
8. Md. Kamal Son of Late Kafil Resident of Village - Jogindar, Ward No. 7, P.S.- Mahalgaon, District - Araria
9. Md. Saddam @ Md. Saddam Husain Son of Kamal Resident of Village - Jogindar, Ward No. 7, P.S.- Mahalgaon, District - Araria

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 16-12-2021 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under section 14A (2) of the Scheduled
Castes and Scheduled Tribes Act (hereinafter in short referred to
as the 'SC/ST Act') against the refusal of prayer for anticipatory



bail vide order dated 01.10.2019, passed by learned 1st Additional Sessions Judge-cum- Special Judge, Araria, in connection with Special SC/ST Case No.195/2019 arising out of Araria SC/ST P.S. Case No.121 of 2019, registered under sections 341, 323, 379, 354B, 504, 506/34 of the IPC and sections 3(i)(r) of the SC/ST Act.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence as alleged has ever taken place. Appellants have been falsely implicated in the case. There is an admitted land dispute between the parties and the appellants side have also received injury in the occurrence. An injury report of the appellant no.1 (annexure-4 series) has been enclosed with the supplementary affidavit at Flag 'M' filed by learned counsel for the appellants. It is submitted by drawing the attention of this Court at Annexure-2, that the the appellants claims that the land belongs to their side but the informant has claimed that the land belongs to him and due to this dispute, the occurrence has taken place. There is case and counter-case between the parties and the allegations levelled upon the appellants are general and omnibus in nature. It is submitted that no case under the SC/ST Act is made out against the appellants, as there is a land dispute



between the parties. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for anticipatory bail.

Since, no SC/ST Act is applicable against the appellants as there is admitted land dispute between the parties, hence, it is not required to issue notice to the informant.

Considering the facts and circumstances of the case, the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each 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 Special SC/ST Case No.195/2019 arising out of Araria SC/ST P.S. Case No.121 of 2019, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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