

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.364 of 2022**

Arising Out of PS. Case No.-125 Year-2021 Thana- NASRIGANJ District- Rohtas

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1. SHAFAKAT AHMAD @ SOKAT KHAN @ MOHAMMAD SHAFQUAT ALAM SON OF NASRULLAH KHAN R/O VILLAGE- MAUNA, P.S.- NASRIGANJ, DISTRICT- ROHTAS
 2. MD. SADDAM @ SADDAM HUSSAIN SON OF SHAIFULLA R/O VILLAGE- MAUNA, P.S.- NASRIGANJ, DISTRICT- ROHTAS
 3. TABRAIZ KHAN @ SHAMS TABREZ ALAM SON OF SHAIFULLA R/O VILLAGE- MAUNA, P.S.- NASRIGANJ, DISTRICT- ROHTAS

... .. Appellant/s

Versus

1. The State of Bihar
2. Kesh Nath Kumar Chowdhary Chandrika Chowdhary R/o Village -Mauna, P.S. and P.O.-Nasriganj, District -Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mazharul Hassan
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-12-2022 Heard the parties.

As pointed out by the office, notice has been validly served upon the respondent no.2 but nobody appears on behalf of respondent no.2.

This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 07.12.2021, passed by learned Additional Sessions Judge-17, Rohtas (Sasaram), Bihar, in connection with



Nasriganj P.S. Case no.125 of 2021, registered under sections 341, 323, 504/34 of the Indian Penal Code and 3(2)(v) of S.C./S.T. Act.

Learned Counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case. No such occurrence as alleged has ever taken place. Slating the informant in the name of caste is not said to have been done in public view, hence no offence under the SC/ST Act is made out against the appellants. There is general and omnibus allegation against the appellants. There is no specific overt act against the appellants. There is an admitted land dispute between the parties. Appellants have no criminal antecedent, which is also mentioned in para-3 of the memo of the appeal. Relying upon the judgment of the Hon'ble Apex Court in **Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 Supreme Court Cases 710.**, it is submitted that if there is a land dispute between the parties, the appeal for anticipatory bail is maintainable.

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

Considering the facts and circumstances of the case, since there is a land dispute between the parties, let 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, 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 Additional Sessions Judge-17, Rohtas (Sasaram), Bihar, in connection with Nasriganj P.S. Case no.125 of 2021, 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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