

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1511 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

AJAY KUMAR SAH @ AJAY SAH S/o Late Teela Sah R/o village-
Bhikhanpur, P.S.- Ahiyapur, District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Baleshwar Paswan S/o Yogendra Paswan R/o village- Bhikhanpur, P.S.-
Ahiyapur, District- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amrendra Kumar, Advocate

For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-12-2022 Heard learned counsel for the appellant, learned
counsel for respondent No.2 and learned Spl.P.P. for the State.

This is an appeal under Sections 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against refusal of the prayer for anticipatory bail
by order dated 01.04.2022 in A.B.P. No.981 of 2022 passed by
the learned 1st Additional District and Sessions Judge-cum-
Special Judge, SC/ST (POA) Act, Muzaffarpur in connection
with Ahiyapur P.S.Case No. 146 of 2022 registered under
Sections 406,420/34 of the Indian Penal Code and Sections
3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

The prosecution case, in short, is that the informant



alleged that accused persons despite taking amount are not executing the sale deed of the land. On 18.02.2022 when he was standing near the boundary wall of the said land then accused persons and other unknown persons came and started abusing him by caste words and also assaulted him. It is also alleged that accused persons started demolishing the boundary wall and threatened him not to come on this said land.

Learned counsel for the appellant submits that the appellant has clean antecedent. He has falsely been implicated in the present case. Further submits that it appears from the FIR that there is admitted land dispute and it is crystal clear that the whole matter revolve regarding land dispute between the informant and Bhup Narayan Sah and his family and the appellant has no concern with Bhup Narayan Sah or other co-accused and the appellant never abusing the informant.

As per allegation in the FIR no such amount has transferred in the account of the appellant, but the same was transferred in the account of other co-accused persons and in view of the judgment in the case of **Hitesh Verma Vs. State of Uttrakhand and Anr.**, reported in **(2020) 10 SCC 710** no case is made out against the appellant under the SC/ST Act.

The learned counsel for the informant has



vehemently opposed the prayer for anticipatory bail of the appellant and submits that the informant has paid a sum of Rs. 17,50,000/- to the relative of the appellant.

After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Schedule Castes and Scheduled Tribes Act is made out.

Considering the aforesaid facts and circumstances, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

Nitesh/-

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