

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4181 of 2021**

Arising Out of PS. Case No.-73 Year-2017 Thana- SC/ST District- Purnia

1. MD. SHAMIM Son of Md. Basir Resident of Village- Mokraha, Bania Patti, P.S.- K. Nagar, District- Purnia.
2. Md. Malho @ Md. Muntasir Son of Md. Basir Resident of Village- Mokraha, Bania Patti, P.S.- K. Nagar, District- Purnia.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nishant Kumar Sinha
For the Respondent/s : Mr.spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 30-06-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 09.02.2021 passed by learned 1st Additional Sessions Judge-cum-Spl. Judge SC/ST(POA) Act, Purnia in ABP No. 13/2021 whereby the prayer for bail of the appellant in connection with SC/ST P.S. Case no. 73 of 2017 under Sections 341, 323, 504, 506/34 of the Indian Penal Code and sections 3(i)(r)(s)(g) of SC/ST (POA) Act was rejected.

As per allegation in the FIR, informant is red card holder and on the basis of that card he got a piece of land and he is on possession since long. The alleged land was purchased by .



Both the appellants forcible made a house over the alleged land and when the informant protest them, they assaulted him and abused him by taking his caste name.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. The land in question is raiyati land of appellants purchased by their father in the year 1982 and also they were paying rent to the State government and a Title suit between the parties is pending. The alleged occurrence took place on 12.10.2017 but he FIR has been lodged on 18.10.2017 which falsify the prosecution story. There is no injury report to support the prosecution story. They have not taken the cast name of the informant in public view. They have got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against them. The appellant has no intention to disgrace the image of the informant in public view.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the



impugned order dated 09.02.2021 passed in A.B.P. No 13 of 2021 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with SC/ST P.S. Case No. 73 of 2017 in the event of arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Spl. Judge SC/ST Act, Purnia.

(Sunil Kumar Panwar, J)

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