

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4623 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- SC/ST District- Gopalganj

SERAJ AHMAD @ SHERAJ AHMAD Son of Abdul Kalam Resident of
Village - Chhapiya Ward No. -24, P.S. and District - Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Sanjay Kumar Pandey No.5
For the State	:	Mr. Binay Krishna
For the Informant	:	Mr. Pratish Kumar Lal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-07-2022 Heard learned counsel for the appellant, learned
counsel for the complainant and learned Special Public
Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 04.09.2021 passed by learned 1st Additional
Sessions Judge cum Special Judge (SC/ST Act), Gopalganj in
connection with Gopalganj SC/ST P.S. Case No. 41/2021
registered under Sections 341, 323, 354A, 354B, 504 & 506/34
of the Indian Penal Code and Section 3(1) (r) (s) (w) / 3 (2) (va)
of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Appellant in association of other co-accused is said to have assaulted and disrobed the informant. They also slated in her caste name.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to land dispute. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of two months in lodging the complaint case without assigning any plausible explanation for the said delay, which creates serious doubt about the prosecution case. It is further submitted that the Hon'ble Apex Court in the case of **Hitesh Verma Vs. State of Uttarakhand and another** reported in **(2020) 10 Supreme Court Cases 710** has held that in the land dispute matter anticipatory bail is maintainable in SC/ST case. Appellant has no criminal antecedent.

Learned Spl. PP for the State and learned counsel for the complainant vehemently opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, in the event of his 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/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Gopalganj in connection with Gopalganj SC/ST P.S. Case No.41/2021, 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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