

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4850 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- SC/ST District- Araria

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1. Md. Kasim @ Md. Qasim S/o- Md. Jamshed Ali Resident of Village-Karankiya, P.S.- Baunsi, District- Araria.
 2. Md. Afroj Alam @ Afroj Alam S/o- Late Ahmad Isa Resident of Village-Karankiya, P.S.- Baunsi, District- Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjeet Kumar Murmu S/o- Late Rajendra Murmu Resident of Village-Karankiya, P.S.- Baunsi, District- Araria.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gopal Kumar Jha
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 17-08-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 26.11.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Special (SC/ST) Case No. 01 of 2021 under Section 420 and other allied sections of the Indian Penal Code and section 3(I)(V)(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.



Prosecution case in brief is that the land situated in Mouza Ghaghari bearing Khata No. 263, Khesra No. 2551 area 42 decimal is executed in the name of informant by Manoj Prasad Srivastav the legal heir of the said land through registered sale deed no. 3172 dated 15.03.2019 and he is coming in peaceful possession over the said land and on 05.07.2020 at about 9.00 am the accused appellants and other co-accused persons named in the FIR armed with deadly weapons came at his field and prohibited him not to plough the land. On objection raised by the informant all the accused persons started abusing him by his caste name and on the order of appellant no. 1 the accused persons assaulted the informant. The people came and saved him. The informant went to Registry officer, Araria and got knowledge that the accused persons under conspiracy got executed (forged and fabricated) the land of informant by producing another person in place of grand father of witness Manoj Prasad Srivastav namely, Nandlal Prasad, who has earlier died in the year 1962 and the photo affixed on the sale deed is not the photo of Nandlal Prasad. The accused persons also demanded ransom.

It is submitted on behalf of the appellants that appellants are bona fide purchaser and purchased the land from



one Nand Lal Prasad and the informant was trying to take possession of the land which was opposed by the appellants as a result of which scuffle took place. Land in question mutated in favour of appellants. For the same piece of land title suit is also going on between the parties. Allegation of abuse is general and omnibus. No case under SC/ST Act is made out, as the occurrence has not taken place within public view. Appellants have got clean antecedent.

Counsel for informant vehemently opposed the prayer for bail and submitted that appellants are named in the FIR and there is specific and direct allegation of committing forgery.

Considering the nature of dispute and clean antecedents of appellants, this appeal is allowed. The impugned order dated 26.11.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria is set aside.

Let the appellants above-named, in the event of their arrest/surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten 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. 01 of 2021.

(Prabhat Kumar Singh, J)

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