

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.822 of 2023**

Arising Out of PS. Case No.-53 Year-2022 Thana- KASBA District- Purnia

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1. MD. MOZAMMIL @ MOZAMMIL Son of Md. Tauhid R/o Amra, P.S- Kasba, Dist- Purnea
  2. Md. Alam Son of Md. Tauhid R/o Amra, P.S- Kasba Dist- Purnea
  3. Hanif Son of Budh @ Jabbar R/o Thakthakinya, P.S- Kasba, Dist- Purnea
  4. Iliyas @ Ilyas @ Mailyas @ Md. Iiyas @ Md. Iliyas Son of Late Shekh Patani R/o Thakthakinya, P.S- Kasba, Dist- Purnea
  5. Md. Yasin Son of Late Alamat R/o Thakthakinya, P.S- Kasba, Dist- Purnea
  6. Bholu @ Jamruddin Son of Late Mangan R/o Thakthakinya, P.S- Kasba, Dist- Purnea
  7. Md. Sahabuddin @ Md. Sahbuddin @ Sibban Son of Late Mangan R/o Thakthakinya, P.S- Kasba, Dist- Purnea
  8. Kamruddin Son of Late Mangan R/o Thakthakinya, P.S- Kasba, Dist- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramadhin Paswan Son of Late Asharfi Paswan R/o Santnagar (Chanka) P.S- Srinagar, Dist- Purnea

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr.Md Fazle Karim, Adv.                                   |
| For the Respondent/s | : | Mrs.Usha Kumari 1, Spl.PP.<br>Mr. Ram Prawesh Kumar, Adv. |

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      20-09-2023      Heard learned counsels for the parties.

2. 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 04.01.2023 passed by learned Special Judge (SC/ST Act), Purnea in connection with Kasba P.S. Case No. 53 of 2022 registered under Sections 147, 149, 341, 323, 379, 384, 386, 504, 506 of the Indian Penal Code and Section 3(1) (r) (s)/3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, all the accused persons including the appellants came to the informant and after some altercation, they started abusing him by taking his caste name. They also assaulted the informant and snatched Rs. 2500/- from the pocket of the informant.

4. It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. Appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is admitted land dispute between the parties due to which the alleged occurrence took place. This fact is also not denied by learned counsel for respondent no.2. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out



against the appellants. He further relies upon the judgment of the Apex Court in the case of **Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 Supreme Court Cases 710**. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for respondent no.2 opposes the prayer for bail and submits that anticipatory bail is not maintainable in the present case as the cognizance has been taken by the learned Court below.

6. Considering the facts and circumstances of the case as well as the judgment of the Apex Court in the case of **Hitesh Verma Vs. State of Uttarakhand and another** and the fact that there is no specific allegation of abusing the informant by taking his caste name against the appellants, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Purnea in connection with Kasba P.S. Case No. 53 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



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

**(Anjani Kumar Sharan, J)**

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