

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2225 of 2021**

Arising Out of PS. Case No.-33 Year-2018 Thana- SC/ST District- Banka

MD. SHAFIQUE ALAM @ SHAFIQUE ALAM @ SADRE ALAM SON OF
LATE MD. ALAMGIR RESIDENT OF VILLAGE- CHIHAR, P.S.
BARAHAT, DISTRICT- BANKA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Ganpati Das Late Sukar Das Resident of Village- Chihar , Panchayat-
Auriya, P.S.- Barahat, District - Banka

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Anisur Rahman
For the Respondent/s : Mr.Usha Kumari 1

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

8 22-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In view of order dated 20.09.2023, learned Spl.P.P. for the
State submits that he informed the respondent no.2 about his
appearance in this case but nobody has entered appearance on
his behalf.

3. 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 for anticipatory bail vide order dated
16.03.2020, passed by learned Additional Sessions Judge-I-
cum- Special Judge, SC/ST, Banka, in connection with Banka



(SC/ST) P.S. Case No.33 of 2018, registered u/s 420/120(B)/467/468/386 of the IPC and 3(x)(i) of SC/ST Act.

4. As per the prosecution case, the appellant was ploughing the field of the informant and on protest, he abused the informant by taking his caste name and threatened to give extortion of Rs.50,000/- to remain alive.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that the alleged occurrence is said to have taken place on 10.07.2017 to 18.01.2018 but the complaint is filed on 05.10.2018 i.e. after delay of more than nine months without giving any plausible explanation. There is an admitted land dispute between the parties, which is described in the complaint petition itself. In this regard, learned counsel for the appellant has relied upon the judgment of the Apex Court in the case of ***Hitesh Verma vs. State of Uttarakhand & Anr.*** reported in **2020 (10) SCC 710**. Appellant has no criminal antecedent and similarly situated co-accused namely Priti Kumari has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 27.01.2021 passed in Cr. APP (SJ)



No.1991/2020.

6. Learned Spl. PP for the State opposed the prayer for bail.
7. Considering the facts and circumstances of the case and that there is land dispute between the parties, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum- Special Judge, SC/ST, Banka, in connection with Banka (SC/ST) P.S. Case No.33 of 2018, subject to the condition as laid down under section 438 (2) of the Cr.P.C.
8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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