

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1459 of 2022**

Arising Out of PS. Case No.-214 Year-2021 Thana- TURKAULIYA District- East  
Champaran

=====

MOHAMMAD AZAD @ MUNNA @ MUNNA ANSARI Son of  
Mohammad Zafar Ansari Resident of Village - Ward n o.05, Neura Masjid,  
Tikauta, P.S.- Turkauliya, Distt.- east Champaran.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Raj Deo Paswan Son of Late Mahavir Paswan Resident of Village -  
Madhopur, P.S.- Turkauliya, Distt.- East Champaran.

... .. Respondent/s

=====

**Appearance :**

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

=====

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

3      04-01-2023              Heard learned counsel for the appellants and learned  
Spl.P.P. for the State.

Despite valid service of notice and filing of vakalatnama,  
nobody appears on behalf of respondent no.2.

Learned counsel for the appellant is directed to remove  
the defect(s) pointed out by the office within four weeks.

This is an appeal under section 14A (2) of the Scheduled  
Castes and Scheduled Tribes (Prevention of Atrocities)  
Amendment Act, 2015 (hereinafter in short referred to as the  
'SC/ST Act') against the refusal of prayer for anticipatory bail  
vide order dated 06.04.2021, passed by learned 1<sup>st</sup> Additional  
Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran



at Motihari, in connection with Turkauliya P.S. Case No.214 of 2021, registered u/s 323/341/327/385/504/506/34 of the IPC and sections 3(i), (A)(r)(s)/3(ii)(va) of the SC/ST Act.

Allegedly, while the informant was doing construction work in his newly purchased land, all the accused persons including the appellant came there and stopped the construction work and demanded three lakhs from each person. It is further alleged that by saying caste name, assaulted, abused the informant.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that there is land dispute between the parties. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific overt act against the appellant to have abused the informant rather there is general and omnibus allegation against all the accused person. Relying upon the judgment of the Apex Court in the case of ***Hitesh Verma vs. State of Uttarakhand & Anr.*** reported in **2020 (10) SCC 710**, it is submitted that if there is a land dispute between the parties, the appeal for anticipatory bail is



maintainable. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail by submitting that appellant in association with other accused persons abused the informant by taking caste name.

Considering the facts and circumstances of the case, since there is a land dispute between the parties, let 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 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari, in connection with Turkauliya P.S. Case No.214 of 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)**

pallavi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

