

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2444 of 2023

Arising Out of PS. Case No.-380 Year-2022 Thana- BANMANKHI District- Purnia

1. MD KALIM Son of Late Md. Nijam Sah Resident of Village- Belachand, PO- Mohania Chakia Ward No. 8, PS- Banmankhi District- Purnea
2. Md. Shahid @ Md. Sahid @ Sahid Son of Late Md. Ramjan @ Md. Bitai Shah Resident of Village- Belachand, PO- Mohania Chakia Ward No. 8, PS- Banmankhi District- Purnea
3. Suddi @ Md. Shamsuddin Son of Late Latif Shah @ Domi Shah Resident of Village- Belachand, PO- Mohania Chakia Ward No. 8, PS- Banmankhi District- Purnea
4. Md. Majid @ Mazid Son of Md. Shamsul Resident of Village- Belachand, PO- Mohania Chakia Ward No. 8, PS- Banmankhi District- Purnea
5. Md. Mahil @ Iftkar @ Intkar Son of Nasruddin @ Nasiruddin @ Nuruddin Resident of Village- Belachand, PO- Mohania Chakia Ward No. 8, PS- Banmankhi District- Purnea
6. Nasiruddin Shah @ Narsuddin @ Md. Nuruddin Son of Late Latif Shah @ Domi Shah Resident of Village- Belachand, PO- Mohania Chakia Ward No. 8, PS- Banmankhi District- Purnea
7. Md. Aslam @ Aslam Son of Md. Kalim Resident of Village- Belachand, PO- Mohania Chakia Ward No. 8, PS- Banmankhi District- Purnea

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Diwakar Prasad Singh, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
For the Informant	:	Mr.Ram Prawesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-09-2023 Heard learned counsel for the appellants, learned counsel
for the informant and learned Spl.P.P. for the State.

2. This is an appeal under section 14 A (2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act
(hereinafter in short referred to as the 'SC/ST Act') against the



refusal of prayer for anticipatory bail vide order dated 20.04.2023, passed by learned Special Judge (SC/ST Act), Purnea, in connection with Banmankhi P.S. Case No.380 of 2022, registered u/s 147, 148, 149, 452, 341, 323, 324, 435, 354, 379, 504 and 506 of the IPC and sections 3(1)(r)(s)(w) 3(2)(va) of the SC/ST Act.

3. As per F.I.R., allegation against the appellants is that they along with other accused persons entered into the house of the informant and abused and assaulted the informant and his family members.

4. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as the occurrence has not taken place in the public view and the same has taken place inside the house of the informant. The injury was found simple in nature and there is an admitted land dispute between the parties, which fact is evident from the F.I.R. itself. In this regard, learned counsel for the appellant 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.***

Appellants have no criminal antecedent.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the appellants were involved in the alleged offence.

6. Considering the facts and circumstances of the case, since there is a land dispute between the parties, let the appellants named above, in the event of their 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/- (Rs. 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 Banmankhi P.S. Case No.380 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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