

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2686 of 2023

Arising Out of PS. Case No.-201 Year-2023 Thana- PURNEA SADAR District- Purnia

TOUSIF ALI KHAN @ MD. TAUSIF ALI KHAN S/O MD. AKBAR ALI
KHAN RESIDENT OF RAMBAGH, PS. SADAR, DIST. PURNEA

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranjit Kumar Son of Late Ramratan Paswan Resident of Rambagh, Police Station - Sadar, District - Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raj Kumar
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 29-11-2023 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 20.09.2023, he has informed the informant but none is present 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 of anticipatory bail vide order dated 03.05.2023 passed by learned Special Judge (SC/ST Act), Purnia in connection with Sadar P.S. Case No. 201 of 2023 registered under Sections 147, 149, 341, 323, 504 & 506 of the



Indian Penal Code and Section 3(1) (r) (s) (g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The appellant is said to have abused the informant by taking his caste name. There is allegation of giving threat to the informant also.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. Appellant has been falsely implicated in the case due to land dispute. Learned counsel for the appellant has relied upon the judgment in the case of **Hitesh Verma Vs. State of Uttarakhand and another** reported in **(2020) 10 Supreme Court Cases 710** and submitted that as there is admitted land dispute between the parties, the appellant may be enlarged on anticipatory bail. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case as well as the fact that there is admitted land dispute between the parties, the above named appellant, in the event of his 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/- (Rupees Twenty Five Thousand) with two sureties of



the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Purnea in connection with Sadar P.S. Case No 201 of 2023, 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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