

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3284 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- SC/ST District- Katihar

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1. MOHAMMAD ABDUL KALAM @ ABDUL KALAM SON OF ABDUL BARIK RESIDENT OF VILLAGE BELA TIKHAMBHA NEAR JAMA MASJID WARD NO.2, P.S. BASMATIYA, DISTRICT. ARARIA
 2. MOHAMMAD SAMIM @ MOHAMMAD SAMIM AKHTAR SON OF LATE MOHAMMAD ABDUL KALAM @ ABDUL KALAM RESIDENT OF VILLAGE BELA TIKHAMBHA NEAR JAMA MASJID WARD NO.2, P.S. BASMATIYA, DISTRICT. ARARIA

... .. Appellant/s

Versus

1. The State of Bihar
2. RANJEET RAMDAS SON OF JAGDISH RAMDAS RESIDENT OF VILLAGE- PRANPUR, PS- PRANPUR, DIST- KATIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Arvind Kumar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP.
		Mr. Sanjeev Kumar Singh, Adv.
		Ms. Neha Rani, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-11-2023 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 12.06.2023 passed by learned ADJ-I cum Special Judge, SC/ST (POA) Act, Katihar in connection with Katihar Sadar SC/ST P.S. Case No. 5 of 2023 registered under



Sections 323, 341, 406, 420, 384 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case, in brief, is that the informant and appellant no.1 entered into an agreement for construction of *Pooliya*. In the construction of three small bridges, the informant supplied total 1376 labours worth Rs. 6,04,300/- in which appellant no.1 has paid Rs. 1,87,000/- only. It is further alleged that appellants took the signature of informant on a paper forcefully. They also abused the informant by taking his caste name.

4. It is submitted by learned counsel for the appellants that the 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 ulterior motive. The allegation of abuse levelled against the appellants is not specific rather general and omnibus in nature. The real fact is that the informant has not been completed the work and fled away leaving the work in midst. It is further submitted that there is civil dispute between the parties. 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 the informant opposed the prayer for bail and submitted that there is due of Rs. 4,17,300/- against the appellants, which they have not paid yet.

6. In the facts and circumstances of the case, as there is wage/money dispute between the parties, which is of purely civil nature, 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 ADJ-I cum Special Judge, SC/ST (POA) Act, Katihar in connection with Katihar Sadar SC/ST P.S. Case No. 5 of 2023, 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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