

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3330 of 2023

Arising Out of PS. Case No.-148 Year-2022 Thana- BHADAUR District- Patna

MD. NAUSAD @ MD. NAUSAD MIAN SON OF MD. IZAHAR MIAN
R/O-GODHIYARI, P.S.-BHADAUR, DISTT.-PATNA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar Singh, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 23.08.2023, he informed the informant to appear in the present appeal through his counsel, but nobody appears 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 24.03.2023 passed by learned Exclusive Special Judge, SC/ST Act, Patna in connection with Bhadaur P.S. Case No. 148 of 2022 registered under Sections 341, 323, 327, 307, 427, 435, 34 of the Indian Penal Code and Section 3(i)



(r) (s) (2va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the accused persons including appellant came on informant's land and ordered him not to cut *Jau* and told that the said land belongs to appellant. On objection, they also abused the informant by taking his caste name and assaulted him by means of iron rod.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. There is land dispute between the parties. The injury sustained by the informant is found simple in nature. Learned counsel further relied upon the judgment of Hon'ble Apex Court in the case of ***Hitesh Verma Vs. State of Uttarakhand and another*** reported in (2020) 10 Supreme Court Cases 710. Appellant has one 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. Having regard to the facts and circumstances of the case, as there is admitted land dispute between the parties and nature of the injury sustained by the informant is simple in nature, 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 Exclusive Special Judge, SC/ST Act, Patna in connection with Bhadaur P.S. Case No. 148 of 2022, 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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