

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4577 of 2021**

Arising Out of PS. Case No.-44 Year-2021 Thana- SC/ST District- Purnia

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1. MD AKBAR @ AKBAR Son of Late Mumtaz Resident of Village- Ali Nagar, P.S.- K. Nagar (Maranga), District- Purnea.
 2. Md. Mustak Son of Late Asgar Ali Resident of Village- Ali Nagar, P.S.- K. Nagar (Maranga), District- Purnea.
 3. Md. Taslim Son of Noor Alam Resident of Village- Ali Nagar, P.S.- K. Nagar (Maranga), District- Purnea.
 4. Abdul Badud @ Abdul Vadud Son of Abdul Basir Haque Resident of Village- Ali Nagar, P.S.- K. Nagar (Maranga), District- Purnea.
 5. Md. Merajul Hauqe Son of Imtiyaz Ali Resident of Village- Ali Nagar, P.S.- K. Nagar (Maranga), District- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjhali Hembram Wife of Sunil Marandi Resident of Satkodariya, P.S.- K. Nagar (Maranga), District- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ram Prawesh Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

4 21-06-2023 Heard learned counsel for the appellants and the State.

The present appeal is directed against the order dated 30.09.2021, passed in a case registered for the offence punishable under Sections 147, 149, 341, 323, 504, 506 of the Indian Penal Code read with Sections 3 (i) (r) (s) / 3 (2) (va) of the SC/ST Act, whereby anticipatory bail of the appellants has



been rejected.

Allegedly, it is a case of assault and abuse to the informant, being a member of SC/ST community.

It is submitted on behalf of the appellants that a dispute arose between the parties over the possession of land, as a result of which simple *maarpit* took place. Insult was not caused to the informant on the basis of the caste and, as such, no offence under SC/ST Act is made out against these petitioners. Similarly situated co-accused persons have already been granted bail by the co-ordinate bench of this Court vide order dated 01.12.2022 passed in Cr. Appeal (SJ) No. 3653 of 2022.

Learned counsel for the State and respondent no.2 oppose the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 30.09.2021 is set aside.

Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the



learned Addl. Sessions Judge, Cum Special Judge, SC/ST Act
Purnea in SC/ST P.S Case No. 44 of 2021, subject to the
condition as laid down under Section 438 (2) of the Code Of
Criminal Procedure.

(Prabhat Kumar Singh, J)

Alok Verma/-

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