

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.701 of 2024

Arising Out of PS. Case No.-68 Year-2023 Thana- SC/ST District- Begusarai

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1. Md. Nashir S/O LATE MD. YUSUF RESIDENT OF BADI ZANA, WARD NO. 01, PS.- KHODAWANDPUR (CHHAURAH O.P), DIST.- BEGUSARAI.
 2. MD. EKHLAQUE @ MOHAMMAD AKHLAK S/O MD. NASHIR RESIDENT OF BADI ZANA, WARD NO. 01, PS.- KHODAWANDPUR (CHHAURAH O.P), DIST.- BEGUSARAI.
 3. MD. EJAZ @ MUNCHUN @ MUNCHO @ MD. EJAZ ANWAR S/O MD. NASHIR RESIDENT OF BADI ZANA, WARD NO. 01, PS.- KHODAWANDPUR (CHHAURAH O.P), DIST.- BEGUSARAI.

... .. Appellant/s

Versus

1. The State of Bihar
2. LAL BABU PASWAN @ LAL BAHADUR PASWAN S/O LATE MUSHARO PASWAN RESIDENT OF BADI ZANA, WARD NO. 01, PS.- KHODAWANDPUR (CHHAURAH O.P), DIST.- BEGUSARAI.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Yogesh Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-03-2024

1. Heard learned counsel 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 10.01.2024 in A.B.P. No. 2723 of 2023 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Begusarai SC/ST P.S. Case No. 68 of 2023 registered under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(i)(r)(s), 3(2)(v-a) of



the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case by the respondent no. 2. It is further submitted that the appellant no. 1 has antecedent of three cases and appellants no. 2 and 3 have antecedent of two cases. It is next submitted that the cases against the appellants are all counterblast cases instituted by the agnates on account of dispute relating to land. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no doubt the respondent no. 2 has alleged that he was abused in a public place by taking his caste name by the appellants but then from perusal of the allegation, it would manifest that the FIR does not even remotely suggest that any independent witness had witnessed the occurrence when it is alleged that the occurrence took place in a public place. It is thus submitted that this amply demonstrates that the appellants have been falsely implicated in the present case. It is further submitted that the allegation as alleged in the FIR is not specific rather is general and omnibus in nature and it also appears that there is a land dispute in between the parties.

4. Learned Special Public Prosecutor and learned counsel appearing on behalf of the respondent no. 2 opposed the



prayer for anticipatory bail but are not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellants that though it is alleged that the occurrence took place at his shop which is a public place but then the FIR does not even remotely suggest that the occurrence was witnessed by any independent witness.

5. Considering the aforesaid submissions, let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

6. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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