

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2602 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- SC/ST District- Katihar

-
1. MOHAMMAD MUSTAQUE Son of Md. Noor Alam @ Noor Mohammad Resident of village - Gerbheli (Germala), P.S. - Muffasil, Distt. - Katihar
 2. Mohammad Haidar @ Md. Haidar Ali Son of Md. Noor Alam @ Noor Mohammad Resident of village - Gerbheli (Germala), P.S. - Muffasil, Distt. - Katihar

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Bidhu Ratan Sharma Son of Late Yamuna Prasad Sharma Resident of village - Indra Nagar, Laliyahi, P.S. - Sahayak, Distt. - Katihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Viveka Nandsingh, Adv.
For the Informant	:	Mr. Ajay Kumar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.pp

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 23-02-2024 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the rejection of prayer for anticipatory bail vide order dated 19.04.2023 passed by the learned A.D.J-1-cum- Special Judge, SC/ST (POA) Act, Katihar in Katihar S.C./S.T. P.S. Case No. 03 of 2023 dated 21.01.2023 registered for the offence/s punishable u/ss 419, 420, 406, 467, 468, 471



and 120B of the Indian Penal Code and sections 3(1)(r)(s)(g) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellants along with the other accused persons purchased the land of the complaint's mother through forged sale deed executed by a person impersonating the complainant's brother, Praveen Sharma. It is further alleged that the photograph of the executant stuck on the sale deed was also as different and the informant's brother Ravi Sharma never stood a witness in the sale deed and some other persons had signed upon it, impersonating Ravi Sharma.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. There is case and counter case between the parties. It is a case of civil dispute. No casteist remark was mentioned in the FIR. Learned counsel has further submitted that no specific caste name has been called by the appellants hence no case is made out under section SC/ST Act. The appellant no. 1 has six and the appellant no. 2 has two more no criminal antecedents as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the



anticipatory bail petition of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 19.04.2023 passed by the learned A.D.J-1-cum- Special Judge, SC/ST (POA) Act, Katihar in Katihar S.C./S.T. P.S. Case No. 03 of 2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, 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 anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J-1-cum-Special Judge, SC/ST (POA) Act, Katihar in Katihar S.C./S.T. P.S. Case No. 03 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

guddukr/-

U		T	
---	--	---	--

