

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2496 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- MUFFASIL District- West Champaran

1. Nasim Alam, Son of Late Abdul Ajij Khan @ Abdul Aziz Khan R/O Vill.- Beldari, P.S.- Bettiah Mufassi, Dist.- West Champaran
2. Samir Khan, Son of Aflatoon Khan @ Afalatun Khan R/O Vill.- Michael, P.S.- Bettiah Town, Dist.- West Champaran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Jagdish Paswan, Son of Late Mukha Hazra R/O Vill.- Barwat Pasrain, P.S.- Bettiah, Dist.- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Umesh Chandra Verma- Advocate Mr. Hemant Ray- Advocate Mr. Sharad Kumar Verma- Advocate
For the State	:	Mr. Sadanand Paswan- Spl. P. P.
For the Respondent	:	Mr. Bimlesh Kumar Pandey- Advocate Mr. Amit Kumar Pandey- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-07-2024 1. Heard the learned counsel for the appellants, the learned counsel appearing on behalf of the respondent no.2 and the learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 27.04.2024 passed by the learned 1st Additional Sessions Judge- cum- the Special Judge, SC/ST Act, West Champaran at Bettiah in connection with A.B.P. No.920 of 2024 arising out of Bettiah Muffasil P. S. Case No.37 of 2024, instituted for the offences under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes &



Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel for the appellants submits that appellants are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is next submitted that all sections of the I.P.C. are bailable and in the nature of allegation as alleged in the F.I.R., prima facie no offence under the SC/ST(POA) Act is made out.

4. The learned counsel for the appellants next submits that on account of dispute relating to land, the present F.I.R. came to be instituted with an allegation while informant was removing bricks from the land, when the appellants came and abused and assaulted him. It is next submitted that the F.I.R. does not even remotely suggest that the occurrence was witnessed by any independent witnesses. It is also submitted at the cost of repetition that since the dispute is relating to land as such, the instant F.I.R. has been instituted to coerce the appellants into submission.

5. The learned counsel appearing on behalf of the respondent and learned Special P. P. for the State opposes the appeal, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that



the occurrence took place on account of dispute relating to land and the occurrence was not witnessed by any independent witness.

6. Regard being had to the aforesaid submissions, the order dated 27.04.2024 is set-aside.

7. The appeal stands allowed.

8. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-the Special Judge, SC/ST Act, West Champaran at Bettiah in connection with A.B.P. No.920 of 2024 arising out of Bettiah Muffasil P. S. Case No.37 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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