

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4021 of 2023**

Arising Out of PS. Case No.-14 Year-2023 Thana- SC/ST District- Bhagalpur

Iqubal Ahmad @ Md. Aqubal Ahmad Son Of Late Habib Alam Village-
Ibrahimpur Ps- Sabour Dist- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Kumar Paswan son of Mahadeo Paswan Mohalla- Jabaripur Ps-
Tilkamanjhi Dist- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dr. Manoj Kumar, Adv

For the Respondent/s : Mr.Sadanand Paswan, Spl.pp

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 29-03-2024 Heard learned counsel for the appellant and learned
Spl P.P for the State.

2. This is an appeal under section 14 (A) (2) of the
Scheduled Castes and Scheduled Tribes against the refusal of
prayer for anticipatory bail vide order dated 10.07.2023 passed
by the^t Additional Sessions Judge cum Special Judge (SC/ST)
Bhagalpur in connection with Bhagalpur SC/ST P.S. Case no.
14 of 2023, Special Case No. 105 of 2023 registered for the
alleged offences under sections 341, 323, 406, 504, 34 of the
Indian Penal Code and Section 3(i) (r) (s) of the SC/ST Act.

3. As per the prosecution case, the appellant abused
the informant, Md. Kamar Ahmad Asarafi by calling his caste



name. The informant has executed an agreement to sale of 75 decimals land and has taken Rs. 1,40,00,000/ but he has not executed the sale deed.

4. learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The specific allegation is against Md. Kamar Ahmad Asarafi. The allegation of abusing against the appellant is general and omnibus and no member of public was present at the relevant point of time of the alleged occurrence, hence no offence under the provision of SC/ST Act is made out against the appellant. The appellant has clean antecedent stated in para-3 of the petition.

5. Learned Spl P.P for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the appellant, the impugned order dated 10.07.2023 passed by the Spl Judge (SC/ST) cum 1st Additional Sessions Judge cum Special Judge Bhagalpur in connection with Bhagalpur SC/ST P.S. Case no. 14 of 2023 is set aside against the appellant. The criminal appeal is allowed.



7. Accordingly, the above named appellant, in the event of his arrest/ 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) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge cum Special Judge SC/ST Act, Bhagalpur in connection with Bhagalpur SC/ST P.S.Case No. 14 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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