

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4715 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- RATANPUR District- Supaul

Md. Tajmul @ Md. Tajmul Alam Son Of Md. Nasir Resident Of Village-
Satanpatti, Police Station- Ratanpura, District- Supaul

... .. Appellant

Versus

1. The State of Bihar
2. Mahendra Paswan Son Of Late Chhodhi Paswan Resident Of Village-
Chitauni, Police Station- Ratanpura, District- Supaul

... .. Respondents

Appearance :

For the Appellant	:	Mr.Arun, Advocate
For the Respondents	:	Mr.Sadanand Paswan, Spl. Public Prosecutor Mr. Upendra Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-05-2024 Heard learned counsel for the appellant, the State and
respondent no.2.

2. This appeal has been filed for setting aside order dated passed in a case registered for the offence punishable under sections 307,379,411,380/34 and other allied sections of the IPC, sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and section 27 of the Arms Act, whereby prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, all the FIR named accused persons including this appellant and other unknown



accused persons assaulted respondent no.2 and other co-villagers and they freed apprehended culprits. Co-accused Ramesh Mehta and Md. Taiyab also made firing causing injuries to the prosecution side.

4. Learned counsel appearing for the appellant submits that there is land dispute between the parties. It is not the case of the respondent no.2 that any member of the public was present at the place of occurrence, as such, no offence under the SC/ST Act is made out against the appellant. Moreover, there is general and omnibus allegation of having abused and assaulted the respondent, and no specific overt act has been alleged against the appellant. Appellant claims clean antecedent.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

7. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge I cum Special Judge, SC/ST Act,



Supaul in Ratanpura Police Station Case No. 11 of 2023.

(Prabhat Kumar Singh, J)

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