

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4815 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- SC/ST District- Vaishali

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1. MASUD PARVEZ @ MASOOD PERVEZ SON OF LATE HAJI MD. AZIM RESIDENT OF VILLAGE - CHAKNASEER, P.S. - PATEPUR, DISTRICT - VAISHALI, A/P. R/O. 18, HACLOID STREEN, CIRCUS AVENUE, KOLKATA (WEST BENGAL)
 2. IMTIAZ PARVEZ @ IMTEYAZ PERVEZ SON OF LATE HAJI MD. AZIM RESIDENT OF VILLAGE - CHAKNASEER, P.S. - PATEPUR, DISTRICT - VAISHALI, A/P. R/O. 18, HACLOID STREEN, CIRCUS AVENUE, KOLKATA (WEST BENGAL)
 3. MD. NISAR SON OF LATE MD. ISRAIEL RESIDENT OF VILLAGE - CHAKNASEER, P.S. - PATEPUR, DISTRICT - VAISHALI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. CHANDESHWAR RAM SON OF LATE LAKHAN RAM RESIDENT OF VILLAGE - CHAKNASEER, P.S. - PATEPUR, DISTRICT - VAISHALI

... .. Respondent/s

Appearance :

For the Appellants	:	Ms. Rina Sinha, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For Respondent No.2	:	Mr. Javed Aslam, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 20-06-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 25.09.2023 passed by the Exclusive Special Court (SC/ST Act), Vaishali at Hajipur, passed in a case registered for the offence punishable under sections 147, 341, 323, 420, 120B, 379, 504 and 506 of the Indian Penal Code and Sections 3(i)(r), 3(1)(s)(g) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for



anticipatory bail of the appellants has been rejected.

3. As per prosecution case, it is alleged that the informant purchased a piece of land by registered deed from one Jiya Parvez. Thereafter, a mutation was done in his favour of the informant by the C.O., Patepur. It is alleged that thereafter, Appellant No. 1 filed an appeal against the said mutation before the L.R.D.C., Mahua, in which order was passed in his favour. Thereafter, he filed a revision before the A.D.M., Vaishali, upon which he succeeded. It is further alleged that thereafter, on 21.03.2023, Appellant Nos. 1 and 2 fraudulently registered the aforesaid land in favour of Appellant No. 3 and two other persons and on protest, all the accused persons, including these appellants, abused the informant by caste name and assaulted him by fist and slap.

4. It is submitted by learned counsel appearing on behalf of the appellants that only with a view to put pressure upon the appellants, this false and concocted case has been lodged. It is submitted that as a matter of fact, prior to lodging of the present case, on 22.09.2020, Appellant No. 1 had filed a complaint case bearing Complaint Case No. 1679 of 2020 against Jiya Parvez and others including the informant. Thereafter, on 06.10.2020, another complaint case bearing



Complaint Case No. 1824 of 2020 was filed by Appellant No. 1 against Jiya Parvez and others including the informant and only in retaliation, this false and concocted case has been lodged. It is further submitted that from recital of the F.I.R. itself it is apparent that due to land dispute between the parties for the same piece of land, series of litigations are going on between them. It further submitted that it is not the case of the prosecution that the alleged incidence took place in presence of public and as such, no case under the SC/ST Act is made out. It is further submitted that the allegation of assault is general and omnibus. Appellants claim clean antecedent.

5. Learned Spl. P.P. for the State and learned counsel appearing for Respondent No. 2 have opposed the prayer for grant of bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 25.09.2023 passed by the Exclusive Special Court (SC/ST Act), Vaishali at Hajipur in Hajipur SC/ST P.S. Case No. 12 of 2023 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, 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) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Vaishali at Hajipur, in connection with Hajipur SC/ST P.S. Case No. 12 of 2023.

(Prabhat Kumar Singh, J)

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