

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5085 of 2023**

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

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1. Mahesh Sah Son Of Asharfi Sah Resident Of Village - Chaknasir, P.S. - Patepur, P.O. - Suki, District - Vaishali
  2. Md. Rashid Ekbal Son Of Abdul Quadir @ Aslam Resident Of Village - Chaknasir, P.S. - Patepur, P.O. - Suki, District - Vaishali
  3. Abdul Quadir @ Aslam Son Of Late Abdul Majid Resident Of Village - Chaknasir, P.S. - Patepur, P.O. - Suki, District - Vaishali
  4. Md. Asif Iqbal @ Arif Iqbal Son Of Abdul Quadir @ Aslam Resident Of Village - Chaknasir, P.S. - Patepur, P.O. - Suki, District - Vaishali

... .. Appellant/s

Versus

1. The State Of Bihar
2. Chandeshwar Ram Son Of Late Lakhan Ram Resident Of Village - Chaknasir, P.S. - Patepur, District - Vaishali

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mrs.Rekha Prasad |
| For the Respondent/s | : | Mr.Binay Krishna |
|                      |   | Mr. Javed Aslam  |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      22-11-2024                      Heard learned counsel for the appellants, learned  
Special P.P. and learned counsel for respondent no. 2.

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, co-accused Masud Parvez and Imtiaz Parvez fraudulently registered the aforesaid land in favour of co-accused Md. Nisar and appellant no. 4 (Md. Asif Iqbal), whereas other appellants were witness and on protest by informant, all the accused persons, including these appellants, abused the him by caste name and assaulted him by fist and slap.

4. Learned counsel for the appellants submits that only with a view to put pressure upon the appellants and settle the civil dispute, 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, co-accused Masud Parvez 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 also filed by co-accused Masud Parvez against Jiya Parvez and others including the informant and only in retaliation, this false and concocted case has been lodged. Learned counsel further submits that from perusal of FIR, it is apparent that there is land dispute between the parties for the same piece of land and series of litigations are going on between them. He next submits 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. The allegation of assault is general and omnibus. Similarly situated co-accused persons have already been granted anticipatory bail by this Court, vide order dated 20.06.2024 passed in Cr.Appeal (SJ) No. 4815 of 2023.

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.



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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