

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5031 of 2024

Arising Out of PS. Case No.-124 Year-2023 Thana- RAUTARA District- Katihar

-
-
1. Md. Nawab @ Nawab Sarif Son of Asgar Ali Resident of Village- Maheshwa, PS- Rautara, Distt.- Katihar
 2. Md. Safique Son of Asgar Ali Resident of Village- Maheshwa, PS- Rautara, Distt.- Katihar
 3. Md. Rafique Son of Asgar Ali Resident of Village- Maheshwa, PS- Rautara, Distt.- Katihar
 4. Abdul Subhan Son of Asgar Ali Resident of Village- Maheshwa, PS- Rautara, Distt.- Katihar
 5. Md. Saddam Son of Late Soharuddin @ Late Sonaruddin Resident of Village- Maheshwa, PS- Rautara, Distt.- Katihar
 6. Md. Pappu @ Md. Papu Son of Md. Gudha @ Sanful @ Sariful Resident of Village- Maheshwa, PS- Rautara, Distt.- Katihar
 7. Sukur Ali @ Sukur Alam Son of Nazmul Hoda Resident of Village- Maheshwa, PS- Rautara, Distt.- Katihar
 8. Nazful Hoda @ Nazmul Hoda Son of Abdul Zabbar Resident of Village- Maheshwa, PS- Rautara, Distt.- Katihar
 9. Md. Mohboob Alam Son of Abdul Razaque Resident of Village- Maheshwa, PS- Rautara, Distt.- Katihar
 10. Md. Sah Nawaz Son of Abdul Razaque Resident of Village- Maheshwa, PS- Rautara, Distt.- Katihar
 11. Musabbir Alam Son of Md. Shamim Resident of Village- Maheshwa, PS- Rautara, Distt.- Katihar
 12. Parwej Alam Son of Sah Alam Resident of Village- Maheshwa, PS- Rautara, Distt.- Katihar
 13. Md. Shamim Son of Abdul Kaseem Resident of Village- Dalwa, PS- Rautara, Distt.- Katihar
 14. Lakhan Sharma @ Lakhan Mistri Son of Lodhai Mistree Resident of Village- Thana, PS- Maranga, Distt.- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Satyebndra Kumar Jha Son of Indramohan Jha Resident of Village- koilwar, PS- Raj Nagar, Distt.- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bhola Prasad, Adv.
For the State	:	Mr. Sadanand Paswan, Spl.PP



CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY
ORAL ORDER

2 13-12-2024 Heard learned counsel for the appellants as well as learned Spl.P.P. for the State.

2. This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 30.09.2024 passed by the learned A.D.J.-I-cum-Special Judge SC/ST Act, Katihar in connection with Rautara P.S. Case No. 124 of 2023, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 337, 338, 332, 333, 353, 307, 354(B), 504, 427, 386, 285 of the Indian Penal Code & Section 3(1)(r)(s)/3(2)(va) of SC/ST (Prevention of Atrocities) Act and Section 8 of Bihar Saw Mill (Regulation) Act 1990 and Section 8 of Indian Forest Act, 1927 and Sections 41, 33, 42, 52 of Bihar Amendment Forest Act, whereby the prayer for bail of the appellants has been rejected.

3. As per allegation, on 25.12.2023, the informant received an information that one Mill is being run illegally by co-accused Md. Ibrahim where the informant found illegal forest materials. Thereafter, the informant along with others reached at that place and demanded the papers from the Mill owner (co-accused) then, local people started assaulting the



forest officials by stick and weapons on which the informant tried to save them but the aggressive people also assaulted him and abused him. On the basis of the footage of the incident police lodged an FIR against 30 named accused including aforesaid appellants.

4. Learned counsel for the appellants submits that for the same occurrence Rautara P.S. Case No. 123/2023 has also been lodged by one Munna Ram and in that case the appellants have been granted bail. He submits further that the FIR shows itself that the occurrence had not taken place due to malicious feelings of caste as such the provisions of SC/ST Act is not attracted. He further submitted that the appellants are not named in the FIR but during course of investigation the spy disclosed that all the appellants were also involved in the alleged occurrence due to which the name of the appellants has been dragged in this case. There is no case against the appellants except Rautara P.S. Case No. 123 of 2023.

5. Having heard learned counsel for the parties and taking into consideration, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 30.09.2024 arising out of Rautara P.S. Case No. 124 of 2023 is hereby set aside.



6. Let the appellants, above named, in the event of arrest/surrender before the learned Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-I-cum-Special Judge SC/ST Act, Katihar in connection with Rautara P.S. Case No. 124 of 2023., subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Nawneet Kumar Pandey, J)

Arish/-

U		T	
---	--	---	--

