

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.290 of 2025

Arising Out of PS. Case No.-569 Year-2024 Thana- BIDUPUR District- Vaishali

1. Md. Aatur Rahman @ Aatur Rahman @ Gore Miyan S/o Md. Navi Hussain @ Nabi Hasan R/o vill - Kaithulia, P.O. - Chandpura, ward no. 13, P.S. - Bidupur, Distt.- Vaishali
2. Md. Zaur Rahman @ Chunnu Mian @ Chunnu Miyan S/o Md. Navi Hussain @ Nabi Hasan R/o vill - Kaithulia, P.O. - Chandpura, ward no. 13, P.S. - Bidupur, Distt.- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Sulochna Devi W/o Ramparvesh Paswan R/o vill - Kaithulia, P.O- Chandpura, ward no. 13, P.s. - Bidupur, Distt.- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nishant Kumar Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 09-04-2025 Heard the parties.

2. The present appeal has been preferred:

“against the order dated 27.09.2024 passed by the learned Court of the Exclusive Special Court (SC/ST Act), Vaishali at Hajipur, in connection with Bidupur P.S. Case No. 569/2024, filed under Section 115(2), 126(2), 74, 333, 76, 352 of BNS2023 and Sections 3(i)(r)(s), 3(1)(w)(i), 3(2) (va) of the SC/ST (POA) Act, whereby the appellants' prayer for regular bail was provisionally allowed, subject to certain



conditions, including the impugned condition:

"The accused shall not interfere, till any order of Competent Court, in 2 decimal parcha land of informant regarding land plot no. 125 as mentioned in order dated 22.12.2023 passed by Learned Additional District Magistrate, Vaishali in Jamabandi Cancellation Case No. 81/2020-21 and also the accused shall restore or repair the hut of informant if required. The appellants respectfully prays that the said condition is unrelated to the criminal allegations and pertains to a civil dispute under the jurisdiction of the Competent Civil Court. The condition imposes unwarranted obligations beyond the scope of a bail order, causing undue prejudice to the appellants' legal rights. The appellants pray that this Hon'ble Court be pleased to modify or set aside the impugned condition and grant any other relief(s) as deemed fit and proper in the interest of justice."

3. Learned counsel for the appellants submit that abiding by the condition of the court, they shall not be



interfering with the land in question (2 Decimal Parcha land) of the informant at land Plot No. 125 as mentioned in the order dated 22.12.2023 passed by the learned Additional District Magistrate, Vaishali in Jamabandi cancellation Case No. 81/2020-2021, till an order of the competent court and failure to do so, the court concerned shall be free to cancel the bail bond.

4. However, as the Civil Suit is pending, they should not be compelled to either restore or repair the hut of the informant.

5. Learned Special PP Mr. Sadanand Paswan has taken this Court to condition no.2 of the learned court dated 27.09.2024 which read as follows:

(2) The accused shall not interfere, till any order of Competent Court, in 2 decimal purcha land of informant regarding land plot no. 125 as mentioned in order dated 22.12.02023 passed by Ld. A.D.M. Vaishali in Jamabandi Cancellation Case No. 81/2020-21 and also the accused shall restore or prepare the hut of informant on that plot if required.

6. He further submits that the court has not directed straight away to restore or repair the hut rather it has opined that



if required, which means that only after an order is passed by a competent court, the appellants may be required to restore/repair the hut.

7. Learned counsel for the appellants reiterate that neither they nor their family members will be going nearby to the said land as recorded above.

8. Expecting the appellants to abide by the conditions which has already been clarified in the present order, the Appeal stands disposed of.

(Rajiv Roy, J)

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