

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1565 of 2024

Arising Out of PS. Case No.-212 Year-2023 Thana- FESHAR District- Aurangabad

ANWAR BAHADUR KHAN SON OF LATE ISTEYAK BAHADUR KHAN
RESIDENT OF VILLAGE- SIMRA, PS- FESAR, DIST- AURANGABAD

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Nibha Devi SONFO JALENDRA RAJAK RESIDENT OF VILLAGE-
SIMRA, PS- FESAR, DIST- AURANGABAD

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Aman Vishal, Advocate
For the State	:	Mr. Binay Krishna, Spl.P.P.
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 14-08-2025 Heard learned counsel appearing for the appellant and
learned Spl.P.P. appearing on behalf of the State.

2. Despite filing *Vakalatnama*, no one appears on
behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 20.02.2024 passed in a case registered for the offence
punishable under Sections 147, 149, 341, 323, 354, 379, 504
and 506 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s),
3(1)(w) and 3(2)(va) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act, whereby the prayer for
anticipatory bail of the appellant has been rejected.

4. As per prosecution case, all 7 F.I.R. named accused



persons, including this appellant, were forcibly cutting the crop from land of informant and on protest, all of them abused by caste name and assaulted informant and her son. It is further alleged that they also snatched gold jewellery of the informant.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, there is on going land dispute between both the parties with regard to the land in question due to which this false and concocted case has been lodged. Allegation of assault and abuse by caste name is general and omnibus and no specific accusation of overt act has been alleged against this appellant. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. Appellant claims clean antecedents.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the appellant, this appeal is allowed and the



impugned order dated 20.02.2024 passed by the learned Special Judge (S.C./S.T.)-cum-1st Additional District and Sessions Judge, Aurangabad in connection with A.B.P. No. 344 of 2024 arising out of Fesar P.S. Case No. 212 of 2023 is hereby set aside with respect to this appellant only.

8. Accordingly, 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 learned Special Judge (S.C./S.T.)-cum-1st Additional District and Sessions Judge, Aurangabad in connection with Fesar P.S. Case No. 212 of 2023.

(Prabhat Kumar Singh, J)

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