

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1521 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- SC/ST District- Siwan

Seraj Ahmad S/o Late Faiyaz Ahmad Resident of Village- Ranipur, P.S.-
Barharia, Distt.- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Basmati Devi W/o Ram Nath Pasi Resident of Village- Kuwahi, P.S.-
Barharia, Distt.- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Pandey, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-07-2025 Despite filing *Vakalatnama*, none appears on behalf of
the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 18.03.2025 passed by learned Additional District
Judge-1st-cum-Special Judge, Siwan in ABP No. 600 of 2025 in
connection with SC/ST P.S. Case No. 02 of 2025, instituted
under Sections 341, 323, 324, 354, 504, 506/34 of the Indian
Penal Code and Sections 3(1)(r)(s)(w), 3(2)(va) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, whereby the prayer for anticipatory bail of



appellant has been rejected.

4. Prosecution case, in brief, is that on 27.05.2024, this appellant along with other F.I.R. named accused persons came at the shop of informant and asked her to vacate the shop and when informant refused to do so, the accused persons misbehaved with her and abused her by caste name.

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. Assertion to right, title and possession by both the parties over the disputed shop, led to the alleged occurrence. He further submits that proceeding under Section 144 Cr.P.C. is pending in between the parties and title suit is also pending between them. Appellant claims ownership and possession over the land in question on the basis of sale deed executed in his favour by one Anil Kumar and Brij Kishore Sah dated 27.05.2024. Moreover, it is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against appellant.

6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period



of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District-1st-cum-Special Judge, Siwan in connection with SC/ST P.S. Case No. 02 of 2025.

8. Accordingly, this criminal appeal is allowed and impugned order dated 18.03.2025 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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