

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.2383 of 2024

Arising Out of PS. Case No.-76 Year-2023 Thana- SC/ST District- Begusarai

- 1 . Md. Ekramul @Ekramul Haque Son of Md. Halim Village- Badi Jana, P.S.- Khodawandpur, (Chhaurahi O.P.), Dist.- Begusarai
- 2. Md. Enamul Haque @ Enamul S/O Late Md. Halim Village- Badi Jana, P.S.- Khodawandpur, (Chhaurahi O.P.), Dist.- Begusarai
- 3 . Md. Faiyaz Anwar S/O Md. Tauhid Anwar Village- Badi Jana, P.S.- Khodawandpur, (Chhaurahi O.P.), Dist.- Begusarai
- 4. Md. Ashmaul Haque @Asmaul Haque @ Md. Ashmaul @ Munna S/O of Late Md. Halim Village- Badi Jana, P.S.- Khodawandpur, (Chhaurahi O.P.), Dist.- Begusarai
- 5 . Abdul Rahman @Prince S/O Md. Asmaul Haque @ Asmaul Village- Badi Jana, P.S.- Khodawandpur, (Chhaurahi O.P.), Dist.- Begusarai
- 6. Md. Hasimul Haque @Monu @Hasimul Haque @Md. Mond S/O Md. Enamul Haque @ Enamul Village- Badi Jana, P.S.- Khodawandpur, (Chhaurahi O.P.), Dist.- Begusarai

... .. Appellant/s

Versus

- 1 . The State of Bihar
- 2. Rinku Devi W/O Upendra Razak R/O Badi Zana, P.S.- Khodawandpur(Chhaurahi O.P), Distt-Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Yogesh Kumar , Advocate  
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP  
For respondent No. 2 : Mr. Ajay Kumar , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH  
ORAL ORDER

4 27-02-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order



dated 19.04.2024 passed in a case registered for the offence punishable under sections 341, 323, 379, 354(B), 504, 506/34 of the Indian Penal Code and Section 3 (i) (r) (s) (w)/ 3(2) (va) of SC/ST (P.O.A) Act whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , informant namely Rinku Devi alleged that on 07.11.2023 at about 8:00 AM while she was cooking food at home , meanwhile all the F.I.R., named accused persons including these appellants armed with pistols came there and abused informant by her caste name and upon objection , accused persons dragged informant by hair and assaulted and disrobed her.

4. It is submitted that there is delay of one month and 23 days in lodging F.I.R., and there is no explanation for the same . As a matter of fact, there is a plot of 6 Katha 17 dhurs in west side of land of informant in the name of grandfather of appellant namely Sekh Natuhni alias Imam and the said land is in peaceful possession of appellants. It is further submitted that in absence of these appellants, informant encroached about 5 to 7 dhurs of the aforesaid land of these appellants and also constructed the house on the aforesaid land and when these appellants asked to vacate their land informant denied to vacate



the land of these appellants. It is further submitted that on 24.06.2023 , appellant No. 4 Asmaul Haque gave a petition to the Circle officer, Chhaurahi and prayed to remove the encroachment made by the informant on land of these appellants. On the basis of said petition , Circle Officer, Chhaurahi issued notice to the parties . After receiving the notice issued by CO for measurement of land, this false and concocted case has been lodged by informant against these appellants. There is no injury report on the record. Allegation is general and omnibus against these appellants. It is not a case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5 . Learned counsel for the respondent No. 2 and learned Public Prosecutor for the State opposed the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. 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, (P.O.A) Act, Begusarai in connection with SC/ST  
begusarai Police Station Case No. 76 of 2023 .

**(Prabhat Kumar Singh, J)**

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