

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2501 of 2024

Arising Out of PS. Case No.-154 Year-2023 Thana- ISHUPUR BARAHAT District-
Bhagalpur

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1. Md. Rizwan Ansari @ Md. Rizwan Alam S/o Yashin Ansari R/o Village-Nayanagar, P.s.-Ishipur, Barahat, District-Bhagalpur
 2. Md. Jiyaul Ansari S/o Alauddin Ansari R/o Village-Nayanagar, P.s.-Ishipur, Barahat, District-Bhagalpur
 3. Gul Mohammad Ansari @ Gul Mohammad S/o Abdul Halim R/o Village-Nayanagar, P.s.-Ishipur, Barahat, District-Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Priyanka Soren @ Mariyam Bibi D/o Late Chandu Soren R/o Village-Nayanagar, P.s.-Ishipur, Barahat, District-Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md.Najmul Hodda
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 04-11-2025 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 13.03.2024 in A.B.A. No. 323 of 2024 passed by the learned Additional & Sessions Judge-III-cum-Special Judge S.C./S.T. (POA) Act, Bhagalpur in connection with Ishipur (Barahat) P.S. Case No. 154 of 2023 registered for the offences



punishable under Sections 147, 149, 341, 323, 354, 427, 504, 506 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

3. The case of the prosecution in short is that the appellants along with others, entered the house of the respondent and asked her who had put off the pillar. It is further alleged that Rijwan, Santosh, and Rakesh knocked down the respondent, and it is alleged that her clothes were also down, due to which she became half nude.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case. He also submits that prior to this, a case was filed by one Yasmin Parween, alleging therein that the disputed land had been purchased by the accused party and that there was a dispute regarding the said land. Learned counsel for the appellants further submits that prior to that, another complaint case was also filed by Santosh Kumar Sah, alleging that there was a dispute regarding the measurement of the land. He also submits that from perusal of the FIR itself, it is clear that the occurrence took place at a house; as such, these allegations do not attract Section 3(x) of the SC/ST Act.

5. Learned Spl. P.P. for the State has conceded to the



arguments of the learned counsel for the appellants that there is land dispute between the parties and that the nature of allegation is general and omnibus.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 13.03.2024 in A.B.A. No. 323 of 2024 passed by the learned Additional District & Sessions Judge III-cum-Special Judge S.C./S.T. (POA) Act, Bhagalpur in connection with Ishipur (Barahat) P.S. Case No. 154 of 2023 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ishipur (Barahat) P.S. Case No. 154 of 2023 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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