

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2553 of 2025

Arising Out of PS. Case No.-16 Year-2025 Thana- SC/ST District- Araria

-
1. Md. Wasik S/O Late Halimuddin Resident of village- Dhanpura, Ward no. 5, Police Station- Jokihat, Distt- Araria(Bihar)
 2. Moidur Rahman @ Md. Mohid S/O Hasib Resident of village- Khutti Kharaiya, Police Station- Jokihat, Distt- Araria(Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Vinod Kumar Paswan S/O Late Bichhu Paswan Resident of village- Jahanpur Baigachhi, Ward no. 4, Police Station- Jokihat, Distt- Araria(Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Ravish
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 20-11-2025 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 05.06.2025 in A.B.P. No. 950 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria S.C./S.T. (POA) Act in connection with Araria P.S. Case No. 16 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 74, 303(2), 308(2), 352, 351(2), 3(5) of



the B.N.S. and Sections 3(i) (s) 3(i) (r) of SC/ST Act.

3. The case of the prosecution, in short, is that the respondent was having tea at a tea shop. Meanwhile, the appellants, along with others, started abusing him with caste names and asked him how he raised the boundary. It is further alleged that the appellants and others assaulted the respondent and family members.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case. He also submits that from perusal of the FIR, it is clear that the appellants have purchased 42 decimals of land. It has also been submitted that the appellants were requesting the respondents for measurement, to which they did not agree. It has also been submitted that though there is an allegation that the appellants have assaulted and a fracture has been caused, the nature of the injury is simple. From perusal of the FIR, it is also clear that the occurrence is of 27.04.2025, whereas the FIR has been lodged on 01.05.2025. The respondent himself has stated in the FIR that the appellants have purchased the part of the land on which he has raised the boundary. This dispute seems to have arisen out of a land dispute.

5. Learned Spl. P.P. for the State opposes the appeal.



6. In view of the submissions made by the learned counsel for the appellants, the order dated 05.06.2025 in A.B.P. No. 950 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act in connection with Araria SC/ST P.S. Case No. 16 of 2025 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 Araria P.S. Case No. 16 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

Sudhanshu/-

U		T	
---	--	---	--

