

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3225 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- SAHEBPUR KAMAL District- Begusarai

MD. ALAMGIR S/O LATE MD. RAHMAT @ RAHMAT HUSSAIN R/O
VILLAGE- KURHA CHEET SNADALPUR, P.S- SAHEBPUR KAMAL,
DISTT.- BEGUSARAI.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. NARESH CHOUDHARY S/O MOHAN CHOUDHARY R/O VILLAGE-
KURHA CHHET SANDALPUR, P.S- SAHEBPUR KAMAL, DISTT.-
BEGUSARAI.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vikas Mohan, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.
	:	Mr.Shashank Shekhar, Advocate
	:	Mr.Mukul Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 16-01-2025 1. Heard learned Counsel for the appellant and
learned Additional Public Prosecutor for the State.
2. An order dated 12.06.2024, passed by learned
Exclusive Special Judge, SC/ST (POA) Act, Begusarai in
A.B.A. No. 915 of 2024, is under challenge in the present
appeal preferred under Section 14-A(2) of the Scheduled Caste
and Scheduled Tribes (Prevention of Atrocities) Act, 1989,
whereby the anticipatory bail application of the appellant in
connection with S.Kamal Police Station Case No. 37 of 2024
registered for the offences punishable under Sections
341/323/379/504/506/34 of the Indian Penal Code and Section



3 (1) (r)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 07.02.2024 in the evening, the appellant along with other accused persons started abusing the informant by taking his caste name, threw him on the road and started assaulting with fists and slaps. It has further been alleged that the appellant snatched golden chain from the informant and demanded rangdari.

4. Learned Counsel appearing on behalf of the appellant submits that a false case has been lodged by the informant against the appellant due to land dispute. Infact, 03 katha, 07 dhur 10 dhurki land was purchased by the informant behind the land of the appellant and the informant demanded a passage from the appellant which was refused by the appellant, due to which, the present case has been lodged. He further submits that no injury has been caused to the informant, inasmuch as no injury report has been brought on record by the side of the prosecution. He next submits that as per F.I.R., caste name was not taken in public view. He also submits that prior to lodging of F.I.R., the appellant has filed informatory petition before the C.J.M. Begusarai and S.D.M. Ballia stating that



appellant would be implicated in SC/ST case at the hands of the informant as the appellant refused to give passage to the informant towards his land situated behind the land of the appellant.

5. On the other hand, learned counsel for respondent no. 2 vehemently opposed the prayer for bail and submits that the appellant is having criminal antecedent of three cases and there is specific allegation of assault against the appellant and others. Appellant along with other accused persons have also snatched golden chain from the neck of the informant.

6. Having heard learned Counsel for the parties and taking into consideration the fact that there is land dispute between both the parties and caste name is not taken in full public view, I am inclined to grant anticipatory bail to the appellant.

7. Accordingly, this appeal is allowed and the order dated 12.06.2024, passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in A.B.A. No. 915 of 2024, is set aside.

8. Let the appellant, above named, be released 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



Exclusive Special Judge, SC/ST (POA) Act, Begusarai in
A.B.A. No. 915 of 2024, arising out of S.Kamal PS Case No. 37
of 2024.

(Anil Kumar Sinha, J)

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