

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3273 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- SC/ST District- Bhojpur

Md. Ansarul Haque SON OF LATE HASIBUNA HAQUE VILLAGE-
MILKI, PS- ARRAH TOWN, DIST- BHOJPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. SUJEET KUMAR CHAUDHARY SON OF ETWARU CHAUDHARY
VILLAGE- CHOTIKI SANADIYA, PS- ARRAH MUFFASIL, DIST-
BHOJPUR

... Respondent/s

Appearance :

For the Appellant/s : Mr. Md Ataul Haque, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-07-2025 Heard Mr. Ataul Haque, learned counsel for the
appellant as well as Mr. Binay Krishna, learned Spl.P.P. for the
State.

2. Despite of enter appearance of vakalatnama on behalf of respondent No.2, no one appears on behalf of respondent No.2

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 20.06.2024 passed by the learned Court of 1st Additional Session Judge-cum- Special Judge, SC/ST, Patna, in connection with SC/ST Case No.18 of 2024, F.I.R. dated 16.03.2024 registered under Sections 341, 323, 379, 504, 506, 34 of the Indian Penal Code and Sections 3(i) (r), 3(i) (s) of the Scheduled Castes and



Scheduled Tribes Act.

4. According to the prosecution case, on 04.01.2024, while the complainant was returning home on his motorcycle near Chakiya Mor, the appellant and co-accused stopped him, abused him using caste-based slurs, assaulted him with fists and slaps, and forcibly took Rs. 10,000/- from his pocket after he mentioned land dealings.

5. Learned counsel for the appellant submits that the appellant carries six more cases other than the present one but all the cases are filed by the agnates of the appellant and appellant is on bail in the pending matters. It appears from the F.I.R. itself that due to admitted land dispute, the present occurrence had taken place. In fact, the appellant has filed the Complaint Case No.1505(c) of 2023 against the informant and learned Court below after due consideration has taken cognizance under Section 138 of the N.I. Act against the informant on 19.10.2023. Thereafter, the informant has filed the present complaint petition, which was instituted as F.I.R on 16.03.2024. Apart from that in view of the judgment in the case of *Hitesh Verma v. State of Uttarakhand & others reported in (2020) 10 SCC 710*, paragraph -18 which reads as under:-

18. Therefore, offence under the Act is not established merely on the fact that the informant is a



member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste. In the present case, the parties are litigating over possession of the land. The allegation of hurling of abuses is against a person who claims title over the property. If such person happens to be a Scheduled Caste, the offence under Section 3(1)(r) of the Act is not made out.'

6. Paragraph-18 of the aforesaid judgment and in the background of the land dispute, no case is made out under SC/ST Act against the appellant. Apart from that, the appellant has already filed the complaint case against the informant and informant, in retaliation, has filed the present F.I.R. only to harass the appellant.

7. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant.

8. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

9. Considering the aforesaid facts and circumstances, the present occurrence had taken place due to admitted land dispute and apart from that in the background of land dispute, no case is made out under the SC/ST Act against the appellant,



let the appellant, above named, in the event of arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, SC/ST, Patna, in connection with SC/ST Case No.54 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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