

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3976 of 2024

Arising Out of PS. Case No.-177 Year-2024 Thana- AMAS District- Gaya

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1. Nafeesha Khatoon Wife of Late Md. Sagir Alam Resident of Mohalla- Nadraganj, Shahi Masjid, P.S.- Civil Line, Distt.- Gaya
 2. Md. Imran @ Md. Imran Alam Son of Late Md. Sagir Alam Resident of Mohalla- Nadraganj, Shahi Masjid, P.S.- Civil Line, Distt.- Gaya
 3. Md. Arshad Alam Son of Late Md. Sagir Alam Resident of Mohalla- Nadraganj, Shahi Masjid, P.S.- Civil Line, Distt.- Gaya
 4. Md. Kaisher Alam @ Md. Kaishar Alam Son of Late Md. Sagir Alam Resident of Mohalla- Nadraganj, Shahi Masjid, P.S.- Civil Line, Distt.- Gaya
 5. Md. Ashraf Alam Son of Md. Sagir Alam Resident of Mohalla- Nadraganj, Shahi Masjid, P.S.- Civil Line, Distt.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Deepak Kumar Son of Surendra Paswan Resident of Village- Akauna, Post- Sherghati, P.S.- Amas, Distt.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Praveen Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-10-2025 Despite valid service of notice, none appears on behalf of the respondent no. 2.

2. Heard learned counsel for the appellants and learned Spl. Public Prosecutor for the State.

3. This appeal has been filed against the order dated 06.08.2024 passed by learned Exclusive Special Judge, SC/ST Court, Gaya in ABP No. 243 of 2024 arising out of Amas P.S. Case No. 177 of 2024, registered under Sections 147, 149, 341,



323, 504 of the Indian Penal Code and Section 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. As per prosecution case, on 21.06.2024 at about 9 AM, these appellants came on the land of informant and started demolishing the boundary wall. Upon objection, these appellants abused informant and others by caste name and assaulted them by means of *lathi* and iron rod.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. He next submits that due to land dispute, scuffle took place between the parties. As a matter of fact, it was informant who entered the land of appellants. The land in question was purchased by the husband of appellant no. 1 *vide* sale deed no. 699 registered on 14.12.2010 and appellants are in peaceful possession of same. Respondent no. 2 wanted to grab the land of appellants which was opposed by the appellants which led to the alleged occurrence. Allegation of assault is general and omnibus. He further submits that the alleged offence was not committed only on the ground that the victim was member of SC/ST community and as such, no offence under SC/ST Act is made out against



appellants. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. Considering the nature of accusation and clean antecedent, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, SC/ST Court, Gaya in connection with Amas P.S. Case No. 177 of 2024.

8. Accordingly, this criminal appeal is allowed and impugned order dated 06.08.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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