

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5622 of 2024

Arising out of PS. Case No.-84 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. Md. Toufique Son of Late Md. Mohiuddin Resident of Village - Chilhani, P.S. - Routa, District - Purnea
 2. Md. Absar @ Md. Absar Alam Son of Md. Taslim Resident of Village - Chilhani, P.S. - Routa, District - Purnea
 3. Kaushar @ Kaushar Alam @ Kaisar Alam Son of Taslimuddin Resident of Village - Chilhani, P.S. - Routa, District - Purnea
 4. Tahmid @ Tahmid Alam Son of Late Md. Mohiuddin Resident of Village - Chilhani, P.S. - Routa, District - Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Narayan Harijan Son of Late Prem Lal Harijan @ Narayan Ram Resident of Village - Chilhani, P.S. - Routa, District - Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajeev Ranjan, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. PP
For the Complainant	:	Mr. Ram Prawesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 10-11-2025 Heard learned counsel for the appellants, learned
counsel for the Complainant and learned Spl. P.P. for the State.

2. This appeal is preferred against the order dated
01.10.2024 passed by the learned Special Judge, (SC/ST, Act),
Purnea passed in ABP No. 108 of 2024, in connection with
Complaint Case No. 84 of 2022, registered under Sections 147,
341, 323, 427, and 504 of Indian Penal Code and Section 3(1)
(r)(s) of S.C./S.T. Act by which anticipatory bail of the



appellants have been rejected.

3. As per the prosecution case, the allegation against the appellants is that they are said to be trying to capture the land of the complainant and are accused of abusing the complainant by taking caste names.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case as the main thrust of allegation is because of land dispute and not because of prosecution side belonging to the SC/ST community, therefore, not even a *prima facie* case is made out and consequently, this application for anticipatory bail is maintainable. He relies upon the Judgment of the Hon'ble Supreme Court in the case of ***Kiran Vs. Rajkumar Jivraj Jain and Anr.*** reported in ***2025 INSC 1067*** and in the case of ***Hitesh Verma Vs. State of Uttarakhand*** reported in ***(2020) 10 SCC 710***. Learned counsel for the appellants further submits that from the reading of the complaint it appears to be a *mala fide* prosecution of land dispute.

5. Learned counsel for the Complainant as well as learned counsel for the State have vehemently opposed the prayer for bail of the appellants.



6. I have considered the submissions of the parties and perused the materials on record.

7. From reading of the Complaint, it appears that the occurrence has taken place on account of land dispute between the parties and it does not appear that offence has been committed against the complainant on the ground that she is a member of S.C./S.T. community.

8. Considering the aforesaid facts and *mala fide* prosecution and also the law laid down by the Hon'ble Supreme Court in the case of ***Kiran vs. Rajkumar Jivraj Jain and Anr. (Supra)*** and in the case of ***Hitesh Verma Vs. State of Uttarakhand (supra)***, this application for grant of anticipatory bail is held to be maintainable.

9. Having considered the submissions of the parties and also considering the facts of the case, this appeal is allowed. Accordingly, the order dated 01.10.2024 passed by the learned Special Judge, (SC/ST, Act), Purnea passed in ABP No. 108 of 2024, in connection with Complaint Case No. 84 of 2022, registered under Sections 147, 341, 323, 427, and 504 of Indian Penal Code and Section 3(1)(r)(s) of S.C./S.T. Act, is hereby set aside.

10. Let the appellants, in the event of their arrest or



surrender within four weeks from today, be released on 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 Special Judge, (SC/ST, Act), Madhubani in connection with Complaint Case No. 84 of 2022, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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