

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.162 of 2024

Arising Out of PS. Case No.-276 Year-2023 Thana- BAISI District- Purnia

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1. Md. Hannan @ Hannan @ Abdul Hannan Son Of Late Abdul Salam Resident Of Village - Leluka, Panchayat - Bangama, P.S. - Baisi, District - Purnea
 2. Unsahak @ Unsahat Son Of Late Mumtaz Ali Resident Of Village - Jiyagachhi, Panchayat - Minapur, P.S. - Baisi, District - Purnea

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ghanshyam Bosak Son Of Chhabi Lal Bosak Resident Of Village and Post - Marwa, P.S. - Baisi, District - Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vijay Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
For the Informant	:	Mr. Bijendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 24-07-2025 Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 08.12.2023 passed by learned Special Judge, SC/ST Act, Purnea in ABP No. 127 of 2023 in connection with Baisi P.S. Case No. 276 of 2023, registered under Sections 147, 148, 149, 341, 323, 427, 447, 354A, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s), 3(i)(w), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. It is alleged that assertion of right, title and



possession by both the parties over a piece of land led to an occurrence of *maar-peet* in which these appellants, armed with weapons, assaulted informant and tried to outrage her modesty. It is further alleged that the appellants also abused informant by caste name.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. Land dispute is the genesis of the alleged occurrence. Incident took place on 01.06.2023 whereas, F.I.R. has been lodged on 01.07.2023 i.e. after inordinate delay of one month, without any plausible explanation, which itself raises doubt over veracity of the prosecution story. Allegation of assault is general and omnibus. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the informant vehemently opposed the bail application.

6. 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 Special Judge, SC/ST Act, Purnea in ABP No. 127 of 2023 in connection with Baisi P.S. Case No. 276 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 08.12.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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