

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2237 of 2025

Arising Out of PS. Case No.-11 Year-2025 Thana- CHANDAUTI District- Gaya

MD. Saif @ Saif Shahid @ Md. Saif Shahid S/o Md. Shahid R/o Mohalla -
Abbas Lane, Old Karimganj, P.S.- Civil Lines, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Kumari W/o Ajay Kumar Rajak R/o Mohalla - A.N. Road, Dukharni
Mandir, P.S. - Kotwali, Distt.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mrigendra Kumar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-04-2026 1. Heard learned counsel for the appellant and the
learned Special P.P. Mr. Sadanand Paswan and the learned
counsel appearing on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 16.05.2025 in A.B.P. No. 129/2025 passed by the
learned Exclusive Special Judge, SC/ST, Gaya in connection
with Chandaoti P.S. Case No.11/2025, registered under Sections
190, 191(2), 115(2), 119(1), 308(2), 351(2), 352 of the BNS,
2023 and Sections 3(i)(r), 3(i)(s) of the SC/ST (POA) Act.



3. Learned counsel for the appellant submits that the appellant has antecedent of three cases and the informant alleges that she purchased a land from Indradev and on 29.05.2023 when she was constructing boundary wall on the purchased land, when appellant and Parvez came and abused the labourer and drove them away and demolished 3 ft. of the boundary wall abused the informant by caste name and threatened of dire consequences if the land is not vacated, it is next alleged that the land of the informant was measured on 05.12.2023 when $\frac{3}{4}$ land mafia demanded extortion, it is next alleged that when informant went to start construction on the land on 21.12.2024 when Indradev demanded extortion.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that a land dispute has been given a criminal colour. It is also submitted that the informant alleges that on 29.05.2023 for the first time she was abused and threatened of dire consequences but then no case came to be instituted. It is next submitted that thereafter on 05.12.2023 it is alleged that land mafias were demanding extortion but still no case came to be instituted and finally on



21.12.2024 when she again went to start construction on the land it is alleged that Indradev demanded extortion from whom the informant had purchased the land. Learned counsel further submits that though allegation of extortion is alleged but then what amount was being demanded by way of extortion is not disclosed in the FIR, which also casts an aspersion on the case of the prosecution. It is next submitted that even the FIR came to be instituted on 08.01.2025 when the initial cause of action for instituting a criminal case has arises on 29.05.2023, which further casts an aspersion on the case of the prosecution. It is further submitted that even allegation of abuse is general and omnibus in nature when SC/ST Act is a stringent Act.

5. Learned Special Public Prosecutor and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellant but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant as recorded hereinabove.

6. Considering the submission of the learned counsel for the appellant, the order impugned is set aside. Let the appellant, above named, in the event of his arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of



Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 482(2) of the BNS, 2023.

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

(Satyavrat Verma, J)

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