

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2957 of 2024

Arising Out of PS. Case No.-235 Year-2023 Thana- THAKURGANJ District- Kishanganj

1. FARMAN ALI @ MD. FARMAN SON OF MD. JAINUDDIN RESIDENT OF VILLAGE - DOGACHHI, P.S. - THAKURGANJ, DISTRICT - KISHANGANJ
2. MD. FAZLUR RAHMAN @ MD. FAZLUDDIN SON OF ZAINUDDIN RESIDENT OF VILLAGE - DOGACHHI, P.S. - THAKURGANJ, DISTRICT - KISHANGANJ
3. RAZZAQUE ALAM @ KUZA SON OF JAINUDDIN RESIDENT OF VILLAGE - DOGACHHI, P.S. - THAKURGANJ, DISTRICT - KISHANGANJ
4. MANGLU @ MUKHTAR ALAM @ MUKHTAR SON OF JAINUDDIN RESIDENT OF VILLAGE - DOGACHHI, P.S. - THAKURGANJ, DISTRICT - KISHANGANJ
5. MD. LAL BAHADUR @ SIKANDAR @ LAL BAHADUR SON OF JAINUDDIN RESIDENT OF VILLAGE - DOGACHHI, P.S. - THAKURGANJ, DISTRICT - KISHANGANJ
6. MD. KHALIQUE @ BHUTKU SON OF JAINUDDIN RESIDENT OF VILLAGE - DOGACHHI, P.S. - THAKURGANJ, DISTRICT - KISHANGANJ
7. SUKRUDDIN @ MD. SUKRUDDIN SON OF JAINUDDIN RESIDENT OF VILLAGE - DOGACHHI, P.S. - THAKURGANJ, DISTRICT - KISHANGANJ
8. RAFIQUE ALAM @ MD. RAFIQUE SON OF NASIRUDDIN RESIDENT OF VILLAGE - RAJIBASTI CHHAITAL, P.S. - THAKURGANJ, DISTRICT - KISHANGANJ

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. KALO DEVI WIFE OF SOMBHU MOCHI RESIDENT OF VILLAGE - DOGACHHI, P.S. - THAKURGANJ, DISTRICT - KISHANGANJ

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravi Kumar, Advocate
For the State	:	Mrs. Usha Kumari 1, Special P.P.
For the Informant	:	Mr. Arun, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 22-01-2026 Heard learned counsel for the appellants and learned



Special P.P. for the State.

2. Learned counsel for the appellants, at the outset, seeks permission to withdraw this appeal with respect to appellant no.2, namely, Md. Fazlur Rahman @ Md. Fazluddin as appellant no.2 died during pendency of the appeal.

3. Permission is accorded.

4. The instant appeal is dismissed as withdrawn so far as appellant no.2, namely, Md. Fazlur Rahman @ Md. Fazluddin is concerned.

5. 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 22.05.2024, passed by learned Additional Sessions Judge-1st-cum-Special Judge SC/ST, Kishanganj in connection with Thakurganj P.S. Case No.235 of 2023, registered under Sections 341, 323, 506, 435 and 427/34 of the Indian Penal Code as well as Section 3(i)(r)(v) of SC/ST (POA) Act, 1989.

6. Learned counsel appearing on behalf of the appellants submits that appellants have antecedents of three cases but then all the cases were filed from the side of the informant only and in all the cases appellants have been



acquitted after trial. It is next submitted that informant alleges that accused persons put the informant's hut on fire, as a result of which, all grains and clothes kept inside the house were burnt to ashes.

7. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that a land dispute is brewing in between the parties and, as such, the informant in order to coerce the appellants into submission, is implicating them in false criminal cases. It is further submitted that though in the FIR, it is alleged that it were the appellants who put the hut of the informant on fire, as a result of which, grains and clothes kept inside the hut was burnt to ashes but then during the course of investigation, it transpires that the hut was not put on fire rather the cowshed in front of the hut was set ablaze but then it is submitted that it were not the appellants who had committed the occurrence.

8. The learned Special P.P. for the State and the learned counsel appearing on behalf of the informant oppose the appeal and the learned counsel appearing on behalf of the informant submits that the piece of land was given to the informant by Bhudan Committee but then the appellants got the



said land registered in their name and, as such, they intend to oust the informant from her settled land, as such, they keep on harassing the informant on which the learned counsel appearing on behalf of the appellants submits that since there is a land dispute, as a result of which, false cases are being instituted.

9. After hearing learned counsel for the parties, let appellants, above named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with Thakurganj P.S. Case No.235 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Satyavrat Verma, J)

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