

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.47 of 2022

Arising Out of PS. Case No.-750 Year-2018 Thana- NARPATGANJ District- Araria

1. Ibrar @ Abrar @ Md. Abrar S/o- Late Md. Tauhid Resident of Village- Rabahi, P.S.- Narpatganj, District- Araria.
2. Md. Soeb @ Soab @ Md. Sowab S/o- Late Md. Tauhid Resident of Village- Rabahi, P.S.- Narpatganj, District- Araria.
3. Md. Ejaz @ Ajaz @ Md. Ajaz S/o- Late Md. Tauhid Resident of Village- Rabahi, P.S.- Narpatganj, District- Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Arun Paswan S/o- Rajendra Paswan Resident of Village- Rewahi, Ward No. 5, P.S.- Narpatganj, District- Araria.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gopal Kumar Jha, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-04-2026 Despite filing *Vakalatnama*, none appears on behalf of the respondent no. 2.

2. Heard learned counsel for the appellants and the State.

3. This appeal has been filed against the order dated 24.09.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria in ABP No. 1748 of 2021 arising out of Narpatganj P.S. Case No. 750 of 2018 corresponding to Spl. (SC/ST) Case No. 295 of 2018 registered under Sections 447, 341, 323, 354(B), 379, 504, 34 of the Indian Penal Code and



Section 3(1)(g)(r)(s)(w)(I)(II) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. As per F.I.R., on 29.11.2018 at about 1 PM, all the named accused persons, including these appellants, were fixing *khutta* and pillar on the land of informant and when informant raised objection, all the accused persons assaulted him with *lathi* and *danda*. When mother of the informant came to save him, co-accused Md. Tauhid abused her by caste name and all the accused persons assaulted her, tore her clothes and appellant no. 3 snatched gold nose pin.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. On account of land dispute between the parties, altercation took place in which both sides sustained injuries. Allegation of assault is general and omnibus. Injuries sustained by the injured are simple. There is no allegation of abuse by caste name against these appellants as such, no case under SC/ST Act is made out against them. Rest of the allegations are ornamental only to make the case grave. Appellants claim clean antecedent.

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



7. Considering the aforesaid facts, 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 learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Narpatganj P.S. Case No. 750 of 2018 corresponding to Spl. (SC/ST) Case No. 295 of 2018.

8. Accordingly, this criminal appeal is allowed and impugned order dated 24.09.2021 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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