

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3593 of 2025**

Arising Out of PS. Case No.-35 Year-2022 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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1. Masud Parvez @ Masud Parwez S/O Late Md. Azim
 2. Md. Nesar S/O Late Md. Israiel
 3. Shahabul Rahman S/O Md. Motif @ Md. Mofil
 4. Abdul Qadir @ Aslam S/O Late Abdul Majid
 5. Mahesh Sah S/O Late Asharfi Sah
 6. Md. Ehsan S/O Md. Habib
 7. Md. Shafi S/O Md. Farooque
- All are R/O Village- Chaknaseer, P.S- Patepur, District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Cahndeshwar Ram S/O Late Lakhan Ram R/O Village- Chaknaseer, P.S- Patepur, District- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhirendra Prasad Sinha, Advocate
For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 16-04-2026 Heard learned counsel for the appellant and learned
Spl. PP for the State.

2. The appellants have preferred the appeal under Section 14(A)(2) of the SC/ST Act against the rejection of prayer for pre-arrest bail vide order dated 24.07.2025 passed by learned Exclusive Special Judge, SC/ST, Vaishali in Complaint Case No.35/2022 registered under Sections 323,341,504 of the Indian Penal Code and Section 3(1)(r)(s),3(2)(v-a) of the SC/ST



Act.

3. As per the allegations made in the complaint petition, the complainant purchased a piece of land appertaining to Khata No. 53, Khesra No. 942, measuring an area of 2.63 decimals, through a registered sale deed executed by Jiya Pravej. Subsequently, the land was duly mutated in his favour. It is further alleged that appellant no. 1 preferred an appeal against the said mutation before the D.C.L.R., Mahua, wherein an order was passed in his favour. Aggrieved by the same, the complainant filed a revision petition before the A.D.M., Vaishali, which was decided in his favour. It is alleged that on 20.03.2022, owing to the said land dispute, the appellants, along with other co-accused persons, abused the complainant by referring to his caste and also assaulted him, causing injuries.

4. Learned counsel appearing on behalf of the appellants submitted that the appellants are innocent and have been falsely implicated in the present case. It is further submitted that appellant no. 1 and Jiya Parwez, who executed the sale deed in favour of the complainant with respect to the aforesaid land, are real brothers. Learned counsel submitted that appellant no. 1 has another brother, namely Imtiaz Parwez, and the said land has not been partitioned among the three brothers.



Despite this, Jiya Parwez allegedly sold the land to the complainant without proper authority. Being aggrieved by the said act, appellant no. 1 and his brother Imtiaz Parwez separately filed complaint before the learned Chief Judicial Magistrate, Vaishali, against their brother Jiya Parwez as well as the present complainant. It is further submitted that upon learning about the said complaints, the complainant, by way of retaliation, instituted the present case against the appellants. Learned counsel further submitted that on almost identical allegations, the complainant has also instituted Hajipur SC/ST P.S. Case No. 12 of 2023 against appellant no. 1 and others, in which appellant no. 1 has already been granted pre-arrest bail by a co-ordinate Bench of this Court *vide* order dated 20.06.2024 passed in Criminal Appeal (SJ) No. 4815 of 2023. It is also contended that it is not the case of the prosecution that the alleged occurrence took place in public view, as such, the essential ingredients for constituting an offence under the SC/ST Act are not made out. It is further submitted that the allegation of assault is general and omnibus.

5. Learned Spl.PP for the State has opposed the prayer for grant of bail to the appellant.

6. Having heard the rival submissions made on behalf



of the parties, as well as, having perused the allegation made in the complaint petition, I find that for the similar allegation, the complainant has earlier filed a case against appellant no.1 and others, in which he has been granted pre-arrest bail and also the fact that the alleged offence has not taken place in public view. In such circumstances, the impugned order dated 24.07.2025 is quashed and set-aside as the bar under Section 18 of the SC/ST Act is not attracted.

7. The learned Trial Court is directed to release the appellants, above named, on bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection with Complaint Case No.35/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C / 482 (2) of the BNSS.

8. Accordingly, the appeal is allowed.

(Purnendu Singh, J)

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