

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5159 of 2024

Arising Out of PS. Case No.-1907 Year-2019 Thana- COMPLAINT CASE District- Jamui

Md. Nehal @ Md. Nehal Saheb @ Md. Neshal S/O Late Md. Usman @ Late Usman Mian Resident of Village - Arshar, P.S and Dist. Jamui, at present Resident of Aashyana Apartment- B/4, Jamia Nagar, Kadru, Doranda, P.S Doranda, Dist. Ranchi (Jharkhand),

... .. Appellant/s

Versus

1. The State of Bihar
2. Sitaram Paswan S/o Chhotan Paswan R/O Village-Arshar, P.S. and Dist. Jamui

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prabhat Ranjan Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 12-03-2026 Heard learned counsel for the appellant, the learned Spl. P.P. for the State. Despite a *vakalatnama* having been filed, no one appeared on behalf of Respondent No. 2.

2. This appeal is preferred against the order dated 25.09.2024 passed by the learned Additional Sessions Judge-I, Jamui in ABP No. 1494 of 2024 arising out of Complaint Case No. 1907© of 2019 filed for the offence under Sections 120B, 147, 341, 323, 354, 379, 427, 420, 504, 509 of the Indian Penal Code and under Sections 3(i)(r) and 3(2)(va) of the SC/ST Act, by which the prayer of the appellant for anticipatory bail was rejected.

3. As per the prosecution case, the complainant,



Sitaram Paswan, alleges that Mohammad Nehal Saheb, through Mohammad Kalam and others, forcibly evicted him from his land, assaulted him and witnesses, and looted his paddy. Despite complaints to the local police and applications to the Superintendent of Police, no action was taken.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case and therefore the application of the anticipatory bail is maintainable. He further submits that the police investigated the matter and found the complaint to be false and baseless; accordingly, they did not send the appellant and other co-accused for trial and submitted the Final Form in their favor.

5. Learned counsel for the State has vehemently opposed the prayer of the appellants.

6. From the perusal of the materials available on record, it does not appear that offence has been committed against the informant on the ground that he is a member of SC/ST community and the same appears to be a *mala fide* prosecution.

7. In these circumstances, in the opinion of this Court, this application for grant of anticipatory bail maintainable.



8. Considering the rival submissions of the parties and the facts of the case, this appeal stands allowed. Accordingly, the order dated 25.09.2024 passed by the learned Additional Sessions Judge-I, Jamui in ABP No. 1494 of 2024 arising out of Complaint Case No. 1907© of 2019 is hereby set aside.

9. Let the appellant, in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No. 1907© of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the BNSS.

(Sandeep Kumar, J)

Shishir/-

U		T	
---	--	---	--

