

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14500 of 2015

Arising Out of PS.Case No. -687 Year- 2011 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Sahrun Ansari @ Sahrum Ansari son of Wahid Ansari, Resident of
village- Karpura, P.S.- Uchchaka Gaon, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Gopal Hazra, S/o Late Dharichhan Hasra, Resident of village- Turkaulia
Tola, Koraiya, P.S. Turkaulia, Distt.- East Champaran

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.Iii

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**
ORAL ORDER

2 10-04-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Trial No. 807 of 2011 arising out of Complaint Case No.
C687 of 2011 registered under Sections-420, 467, 468, 470, 471,
323, 504 of the Indian Penal Code and Section-3(1)(v) 3(i)(x) of
SC/ST (Prevention of Atrocities) Act.

After perusal of entire complaint petition, I find that
the complainant has not even whispered against the petitioner but
in spite of that, cognizance of the offence is said to have taken by
the learned court below and furthermore, the learned Ist



Additional Sessions Judge, Motihari, East Champaran rejected the prayer for anticipatory bail of the petitioner on the ground that the petition filed on behalf of the petitioner under Section-438 of the Cr.P.C. is not maintainable as cognizance has been taken for the offence of SC/ST (Prevention of Atrocities) Act as well as various sections of the IPC, but he failed to take notice of this fact that prior to passing of the impugned order, the learned Sessions Judge has already extended the privilege of anticipatory bail vide order dated 14-12-2011 passed in ABP No. 2382 of 2011 to other accused persons against whom, there is specific allegation.

It appears to me that the learned Ist Additional Sessions Judge, Motihari, East Champaran did not even bother to go through the contents of complaint petition and to look the order dated 14-12-2011 passed in ABP No. 2382 of 2011 and prayer for anticipatory bail of the petitioner was rejected by him in a very casual manner without applying his judicial mind.

Considering the aforesaid facts and circumstances as well as submission of the parties, let the petitioner named above, in the event of his arrest or surrender within four weeks from the date of receipt/production of copy of the order in the court below, be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each in connection

with Trial No. 807 of 2011 arising out of Complaint Case No. C687 of 2011 to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran.

(Hemant Kumar Srivastava, J)

A.K.V./-

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