

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2381 of 2018

Arising Out of PS. Case No.-340 Year-2015 Thana- TURKAULIYA District- East
Champaran

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1. Gulzar Ansari @ Md. Gulzar Ansari,
2. Ajajul Ansari, Both are sons of Alam Ansari, Both are resident of Village-
Majurahan, P.S.- Turkauliya, District- East Champaran. At present resident
of Mohalla- Hanuman Garhi, P.S.- Town Motihari, District-East Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dilip Kumar Roy
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 10-08-2018

Heard learned counsel for the parties.

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 28.05.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, S.C./S.T.(POA) Act, East Champaran, Motihari in A.B.P. No.1137 of 2018, arising out of Turkaulia Police Station Case No.340 of 2015 registered under Sections 341, 323, 406, 504/34 of the Indian Penal Code and Section 3 (1) (X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



The informant was a witness in Partition Suit No.174 of 2004 vide a copy of deposition at *Annexure-3*. The said partition suit was of the family of the appellants.

Submission is that since the informant was a witness of the opponent, there was grudge and dispute between the two and for that reason false F.I.R. has been lodged with allegation that the appellants had engaged the informant as labour on Rs.300/- (Rupees Three Hundred). However, after completion of the work only Rs.150/- (Rupees One Hundred and Fifty) was paid and for that reason abuse and assault was committed.

Considering the background and nature of allegation as well as statement of the appellants on oath that they have got no criminal antecedent, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the



court below shall be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

