

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.4087 of 2018

Arising Out of PS. Case No.-313 Year-2018 Thana- HARSIDHI District- East Champaran

-
1. Amin Ansari, Son of Late Makdum Ansari,
 2. Hasan Tara @ Hasan Tara Khatoon, W/o Firoj Ansari,
 3. Nazma Khatoon, D/o Amin Ansari,
 4. Mustaque Ansari, Son of Amin Ansari,
 5. Firoz Ansari, Son of Amin Ansari,
 6. Muslim Ansari, Son of Late Razul Ansari, All residents of Village - Mishra Tola, P.S. - Harsidhi, District - East Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 20-12-2018

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 24.09.2018 in A.B.P. No. 2468 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, East Champaran at Motihari in connection with Harsidhi P.S. Case No. 313 of 2018 registered under Sections 341, 323, 504/34 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.



One Noor Hoda Ansari and others brought Title Suit No. 09 of 2018 against appellant Amin Ansari before the court of Civil Judge (Junior Division), Areraj in the judgeship of East Champaran.

Submission is that at the instance of Noor Hoda Ansari, the present false case has been lodged. Even if the allegation in the FIR is assumed to be correct, according to informant, the appellants committed abuse and assault for the reason that they were suspecting that father of the informant, who is local Chaukidar, had informed to the police and the police raided their house. Therefore, intention to humiliate a member of the scheduled caste cannot be gathered from the act alleged.

Learned counsel for the informant opposed the prayer for anticipatory bail.

Considering the background and nature of allegation as noticed above, in my view, the appellants deserve protection of law. Hence, 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 anticipatory 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 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/Banti

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	22.12.2018
Transmission Date	22.12.2018

