

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.433 of 2019**

Arising Out of PS. Case No.-287 Year-2018 Thana- RIVILGANJ District- Saran

1. Ajad Ansari S/o Daud Ansari Resident of Village- Salempur, P.S-Rivilganj, District-Saran at Chapra, State-Bihar
2. Aman Ansari Son of Daud Ansari Resident of Village- Salempur,P.S-Rivilganj, District-Saran at Chapra, State-Bihar
3. Daud Ansari Son of Late Kamruddin Ansari Resident of Village- Salempur, District-Saran at Chapra, State-Bihar
4. Brij Mohan @ Brij Jag Mohan Kumar @ Brij Jag Mohan Sah Son of Late Birendra Sah Resident of Village- Salempur,P.S-Rivilganj, District-Saran at Chapra, State-Bihar
5. Jaimani Kuwar @ Jaimuni Kunwar Wife of Late Birendra Sah Resident of Village- Salempur,P.S-Rivilganj, District-Saran at Chapra, State-Bihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vipin Kumar Singh
For the Respondent/s : Mrs. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

7 30-07-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 07.12.2018 passed by learned 1st Addl. Sessions Judge, Saran at Chapra in Revilganj P.S. Case No. 287 of 2018 registered under Sections 147, 149, 341, 323, 307 and 354(B) of the Indian Penal Code and Section 3(i)(r) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with three other accused persons descending at the house of the informant slated her and on forbading by her, they fisted her. In the meantime, co-accused Ayub Ansari resorted on her head by means of spade inflicting bleeding head injury to her and appellant Jaimani Kuwar and appellant Brij Jag Mohan Sah assaulted her by means of lathi and co-accused Sarfaraj tore her attire over row of flowing of drain water in the land of the informant by the appellants.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to previous animosity and land dispute. There is Title Suit No. 634/18 pending between the parties and proceeding under Section 144 Cr.P.C. is also going on between them. There is inordinate delay of around 14 days in lodging the FIR without assigning plausible explanation for the same. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant in the name of her caste is said to have been made inside the house of the informant and not in the public view, hence, no offence under SC/ST Act is made out



against the appellants. The informant has sustained two abrasion and pain in abdomen and the aforesaid abrasion injuries have been opined by the doctor as simple in nature while opinion regarding pain in abdomen has been reserved on 23.08.2018, but till date no supplementary injury report has been brought on record.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned learned 1st Addl. Sessions Judge, Saran at Chapra in connection with Revilganj P.S. Case No. 287 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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