

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2987 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- SC/ST District- Rohtas

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1. Saifu Ansari Son of Late Asha Ansari Resident of Village - Pandeypur, P.S.- Indrapuri, District - Rohtas.
 2. Salamat Ansari Son of Late Asha Ansari Resident of Village - Pandeypur, P.S.- Indrapuri, District - Rohtas.
 3. Najma Khatoon Wife of Rahamu Ansari Resident of Village - Pandeypur, P.S.- Indrapuri, District - Rohtas.
 4. Munna Ansari Son of Late Hanif Ansari Resident of Village - Pandeypur, P.S.- Indrapuri, District - Rohtas.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sada Nand Roy
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 19-09-2019 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 10.06.2019 passed by learned 1st Addl. Sessions Judge, Rohtas at Sasaram in Dehri SC/ST P.S. Case No. 4 of 2019 registered under Sections 341, 323, 337, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



While the informant was watering his wheat crop, five named accused persons including the appellants armed with lathi, danda descended there and started assaulting him. Appellant Najma Khatoon assaulted him by means of brickbat inflicting injury above his left eye while other accused persons assaulted him by means of leg and fist slating him in the name of his caste.

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 land dispute. Earlier to the case under hand, appellant Najma Khatoon has lodged Indrapuri P.S. Case No. 8 of 2019 against the informant and others, and in order to save his skin from the said case, informant has lodged this false and frivolous case against the appellants. Allegation of slating the informant in the name of his caste against the appellants is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. Appellants have no criminal antecedent.

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 1st Addl. Sessions Judge, Rohtas at Sasaram in Dehri SC/ST P.S. Case No. 4 of 2019, 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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