

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4623 of 2019**

Arising Out of PS. Case No.-70 Year-2018 Thana- SC/ST District- Sitamarhi

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AHSAN ANSARI @ MD. AHSAN ANSARI Son of Hakim Ansari Resident
of Village - Dihathi, P.S.- Sahiyara, District- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

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

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

ORAL ORDER

2 25-10-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 26.09.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Sitamarhi in connection with Sitamarhi (SC/ST) P.S. Case No.70 of 2018 registered under Sections 341, 323, 504 & 506/34 of the Indian Penal Code and Section 3(1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant along with others was



standing in front of the convent school in the wait of opening of the school abruptly the appellant, who happens to be Mukhiya, arrived there on the four wheelers and parked his vehicle on his rear side and on turning back by the informant, he slated him in the name of caste and on protest made by the informant appellant and three other accused persons alighting from the vehicle started assaulting him and tried to make him sit on the vehicle. However, they managed to escape on the intervention of the locals.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact, they have been falsely implicated in this case. As the appellant happens to be Mukhiya and informant's father is member of Panchayat Samiti and some differences have cropped up between them over the execution of the government scheme. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. There is inordinate delay of three days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellant has no criminal antecedent.



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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Sitamarhi in connection with Sitamarhi (SC/ST) P.S. Case No.70 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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