

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.381 of 2020

Arising Out of PS. Case No.-46 Year-2017 Thana- INARWA District- West Champaran

1. RAHIM ANSARI,
2. Rojid Ansari,
Both Sons of Late Dhela Ansari @ Late Mohammad Mian, Resident of
Village - Sakraul, P.S.- Inarwa, Dist.- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-12-2020 Heard learned counsel for the appellants and learned
Special P.P. for the State through virtual court proceedings.

This is an appeal under Sections 14 (A) (2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act, 1989 (hereinafter in short referred to as the ‘S.C./S.T. Act’), against the refusal of prayer for bail vide order dated 03.12.2019 passed by the learned 1st Additional District and Sessions Judge cum Special Judge, West Champaran at Bettiah in connection Inarwa P.S. Case No. 46/2017 registered under Sections 341, 323, 324, 504 and 34 of the Indian Penal Code and Sections 3 (i)(r)(ii)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Prosecution case in brief is that the informant Jesiya Devi submitted her written report alleging therein that on 01.06.2017 at about 8.00 am while she was going to cut the grass with two other co-villagers lady, FIR accused persons including the appellants came with lathi, danda in their hands and started abusing and hitting with arms in their hands. It is further alleged that Shahjad Ansari hit her with iron rod in which she fell down on the ground and sustained injury, by seeing this a co-villager namely Ashiya Devi came to rescue her but Nathu Ansari hit her too with Farsa in his hand, she also sustained injury. Naim Ansari and Rahim Ansari hit Bhagmati Devi and Bikau Ansari, Rojid Ansari and others hit and abused by taking caste name. Informant states that reason behind this fight was an old land dispute.

Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to land dispute between the parties. There is case and counter case between the parties. After investigation the police has submitted final form against the appellants but differing with the final form, the court below has taken cognizance against them. The appellants have no criminal antecedent.



Learned Special P.P. for the State opposes the prayer for bail.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, West Champaran at Bettiah in connection with Inarwa P.S. Case No. 46/2017, 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.

(Anjani Kumar Sharan, J)

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