

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3978 of 2019

Arising Out of PS. Case No.-191 Year-2017 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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1. JAMSAID ANSARI @ MD. JAMEEL ANSARI @ Jeemal Ansari, Son of Late Mohseen Ansari Resident of Mohalla - Laxmi Sagar, Naka no. 8, Ward no. 14, P.S.- N.N.M.University, District - Darbhanga
 2. Sarfaraj Ansari @ Md. Sarfaraj Ansari Son of Jamsaid Ansari @ Md. Jameel Ansari Resident of Mohalla - Laxmi Sagar, Naka no. 8, Ward no. 14, P.S.- N.N.M.University, District - Darbhanga
 3. Md. Ersad Ansari @ Ersad Ansari Son of Jamsaid Ansari @ Md. Jameel Ansari Resident of Mohalla - Laxmi Sagar, Naka no. 8, Ward no. 14, P.S.- N.N.M.University, District - Darbhanga
 4. Erfan Ansari Son of Jamsaid Ansari @ Md. Jameel Ansari Resident of Mohalla - Laxmi Sagar, Naka no. 8, Ward no. 14, P.S.- N.N.M.University, District - Darbhanga

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailendra Kumar Jha, Advocate.
For the Respondent/s : Mr.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 17-02-2020 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 against the refusal of prayer for anticipatory bail vide order dated 01.08.2019 by the learned 1st A.D.J., Darbhanga in A.B.P. No. 1209 of 2019, arising out of L.N.M.U. P.S. Case No. 191 of 2017 registered under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code.



Chargesheet has been submitted under Sections 341, 323, 324, 379, 504 and 506/34 of the IPC and SC/ST Act.

A bare perusal of the F.I.R. *prima facie* discloses accusation of commission of hurt to a member of the scheduled caste who is co-villager of the appellants, hence prayer for anticipatory bail is not maintainable.

Therefore, it cannot be argued in an application for anticipatory bail that the injury found by the doctor was not consistent with the prosecution allegation in the F.I.R. and the fact that other witnesses have not supported the allegation.

Hence, this appeal against the refusal of prayer for anticipatory bail has got no merit. Accordingly, it stands dismissed.

However, in the event of surrender of the appellants, prayer for regular bail shall be considered by the court below without being prejudiced by this order.

(Birendra Kumar, J)

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