

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1577 of 2021

Arising Out of PS. Case No.-438 Year-2020 Thana- RAMNAGAR District- West Champaran

Md. Sami Ansari @ Md. Shammi Ansari, aged about 56 Y/M, Son of Junai Mian @ Junai Ansari, Resident of Village- Sabeya Devraj, P.S. Ramnagar, District- East Champaran.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant	:	Mr. Abhishek Kumar, Advocate.
For the State	:	Mr. Spl. P.P.
For the Informant	:	Mr. Rananjay Kumar and Mr. Md. Anis Akhtar, Advocates.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-03-2021 Heard learned counsel for the appellant, learned counsel for the informant and learned Special P.P. for the State.

Learned counsel for the appellant is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The matter relates to grant of anticipatory bail to the appellant in connection with Ramnagar P.S. Case No. 438/2020, registered for the offences under Sections 341, 323, 504, 506, 354 of the I.P.C., 3(1)(r) of the SC/ST (POA) Act and $\frac{3}{4}$ of the Prevention of Witch Practices Act.

The prosecution case, in short, is that on 04.12.2020 at about 11.00 A.M., the informant's minor son Sanjeet Kumar



aged about 13 years, was playing cricket in the field of the village. In that course, the informant's son and Mainuddin Ansari aged about 15 years started scuffling. On that information, Md. Sami Ansari (appellant) assaulted the son of the informant who was returning to his home with fists and slaps. When the informant's daughter and sister came to rescue him, they were also assaulted by catching their hair and dragged them on the road, as a result of which, they sustained injuries in their cheek, neck and other parts of the body and also called them '*Godin Dayeen*'. Anyhow, people came and saved them. The informant also reached there then they narrated the entire incident to him in detail. Thereafter, the informant alongwith his son went to the house of Md. Sami Ansari (appellant) to make enquiry, then the appellant became furious and shouted upon them saying as to how he being the '*Gond-Tond*' dared to come to his house to make enquiry, and again assaulted the informant's son with *Gulbedi* causing head injury and he fell down. Though the villagers who have assembled there, forbade him to assault and take their caste name but he did not obey the order of the villagers and also threatened to do away with his life, if he dared to come to his door. With the help of villagers, their lives could be saved and the informant brought his son to



the hospital for treatment.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. The appellant has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against him. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. No deadly weapon is said to have been used in course of occurrence. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 07.01.2021, passed by learned Ist Additional Sessions Judge-cum-the Special Judge, under SC/ST Act, West Champaran, Bettiah, in A.B.P. No. 2383 of 2020, arising out of Ramnagar P.S. Case No. 438 of 2020, is set aside. The criminal appeal is allowed.

Accordingly, the appellant above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand)



Only with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge-cum-the Special Judge, under SC/ST Act, West Champaran, Bettiah, in connection with Ramnagar P.S. Case No. 438 of 2020.

(Sudhir Singh, J)

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