

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2038 of 2021**

Arising Out of PS. Case No.-467 Year-2020 Thana- AURANGABAD TOWN District-
Aurangabad

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MD. SHAHBAZ ANSARI @ NATU S/O KALUT ANSARI @ ABDUL
KAYUM ANSARI @ KALUT R/O VILLAGE-AZADNAGAR, P.S-
AURANGABAD TOWN, DISTRICT-AURANGABAD (BIHAR).

... .. Appellant/s

Versus

THE STATE OF BIHAR BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Ms. Leelawati Kumari, Advocate
For the Respondent/s : Ms. Usha Kumari-I, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 02-09-2021 Heard Ms. Leelawati Kumari, learned counsel
for the appellant and Ms. Usha Kumari-I, learned Spl. PP
for the State.

The appellant has challenged the order dated
22.01.2021 passed by the learned 1st Additional District
and Sessions Judge-cum-Special Judge (SC/ST)
Aurangabad in A.B.P. No. 37 of 2021 arising out of
Aurangabad Town P.S. Case No. 467 of 2020, whereby
the prayer made on behalf of the appellant for grant of
pre-arrest bail for the offences under Sections 147, 148,
149, 341, 323, 324, 307 and 354 of the Indian Penal
Code and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i) and 3(2)
(va) of the SC/ST (Prevention of Atrocities) Act has
been rejected.



The accusation in the FIR is that the informant came to know that his brother *viz.* Nippu Chaudhary has been stabbed by means of knife by some of the accused persons including the appellant, as a result of which he was seriously injured. The brother of the informant was taken to hospital, where he is undergoing medical treatment. The reason for the occurrence is stated to be a dispute relating to the sister of the informant.

Learned counsel for the appellant has submitted that an absolutely false case has been lodged against him and other accused persons. In fact, there is a counter version of the occurrence in which one of the co-accused persons of this case *viz.* Md. Mehtab has died. The father of Md. Mehtab has lodged the counter version of the occurrence.

Apart from this, it has been submitted that the occurrence had taken place on 15.12.2020, but the report has been lodged on 16.12.2020. The counter case is also of the same date. The present case, it has been urged, is only in retaliation to the case lodged by the father of late Md. Mehtab as also for a protection to the informant and others from being arrested in the aforesaid counter case.

The accusation under the SC/ST (Prevention of Atrocities) Act, it has been argued, is highly



exaggerated.

For the reasons aforestated, the order dated 22.01.2021 is set aside.

The appeal stands allowed.

On the appellant surrendering before the court below within a period of eight weeks, he shall be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST) Aurangabad in A.B.P. No. 37 of 2021 arising out of Aurangabad Town P.S. Case No. 467 of 2020.

(Ashutosh Kumar, J)

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