

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.308 of 2021**

Arising Out of PS. Case No.-233 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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YUSUF ANSARI S/o Nathu Ansari R/o Village-Ramnagar, Ward No.6,
Narainapur, P.S.-Ramnagar, District-West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. RUDAL CHAMAR S/o Late Bipat Chamar R/o Village-Ghogha, P.S-
Gopalpur, District-West Champaran, At present Village-Mathiya, P.S-
Kangali, District-West Champaran.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey- Advocate
For the Respondent/s : Ms. Usha Kumari-1- S.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 02-08-2021 Heard Mr. Bimlesh Kumar Pandey, the learned

Advocate for the appellant and Ms. Usha Kumari-1, the learned

Special Public Prosecutor for the State.

The appellant has challenged the order dated
29.08.2020 passed by the learned Additional District &
Sessions Judge-1st-cum-Special Judge, West Champaran at
Bettiah in connection with Trial No.184 of 2017 arising out
of Complain Case No.233 of 2017, instituted for the
offences under Sections 3(i)(r) of the Scheduled Castes &
Scheduled Tribes (Prevention of Atrocities) Act, 1989,
whereby their prayer for grant of anticipatory bail has been
rejected.



It has been alleged in the complaint petition that the appellant abused and forced the informant to settle the dispute with Awadhesh Tiwari and accept his offer.

The learned Advocate for the appellant has submitted that at the relevant time, he was posted in the police department but was not handling the aforesaid case. He has further submitted that even the witnesses in the inquiry have not stated anything specific against the appellant.

On such submission on behalf of the appellant, this Court vide order dated 25.06.2021 had issued notice to the opposite party no.2 and had granted provisional bail to the appellant. A report has been submitted that opposite party no.2 has died.

The learned Advocate for the appellant has submitted that the offence under the SC/ST (P.O.A.) Act is not made out from the facts of this case. The complainant had tried to implicate some of the police personnels whose names were supplied to him.

Thus, it has been argued that since no offence has been made out against the appellant under the SC/ST (P.O.A.) Act, the bar for grant of anticipatory bail would not



apply to the facts of this case.

For the reasons afore-stated, the order dated
29.08.2020 is set-aside.

The provisional bail granted to the appellant is
hereby confirmed.

The appellant shall remain on the same bail
bonds.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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