

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.304 of 2021

Arising Out of PS. Case No.-121 Year-2020 Thana- BHELDI District- Saran

-
1. AZIM ANSARI, Son of Yunus Ansari Resident of Village - Kadana, P.S.- Garkha, District - Saran (Chapra).
 2. Mazhar Ansari Son of Yunus Ansari Resident of Village - Kadana, P.S.- Garkha, District - Saran (Chapra).
 3. Shakil Ansari @ Md. Shakil Son of Yunus Ansari Resident of Village - Kadana, P.S.- Garkha, District - Saran (Chapra).
 4. Sohel Ansari Son of Bhulan Ansari Resident of Village - Kadana, P.S.- Garkha, District - Saran (Chapra).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Tiwary
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 25-06-2021 Heard Mr. Ajay Kumar Tiwary, learned counsel

for the appellants and Mr. Sadanand Paswan, learned

Special Public Prosecutor for the State.

This appeal is directed against the order dated

14.09.2020, passed by the learned Additional District &

Sessions Judge 1st cum Special Judge, SC/ST, Saran at

Chapra, in A.B.P. No. 1837 of 2020, arising out of

Bheldi P. S. Case No. 121 of 2020, whereby the prayer

made on behalf of the appellant for grant of anticipatory



bail for the offences punishable under Sections 341, 323, 324, 354, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation against the appellants is of having ransacked the house of the informant and assaulted her and her other family members.

The accusation against appellant no. 3 is of assaulting the husband of the informant by means of a sharp cutting weapon but there is no sharp cut injury on the person of the victim.

Apart from this, it has been submitted that the appellants have been made accused in this case in retaliation to the case lodged by the appellant no. 2 *vide* Garkha P. S. Case No. 295 of 2020.

The appellant nos. 1 and 2 have also received injuries at the hands of the prosecution party.

The learned counsel for the appellants have,



therefore, submitted that no doubt there was some dispute between the parties but so far application of the provisions contained in Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is concerned, it has only been incorporated in the subject F.I.R. to add serious colour to the offence.

It has, therefore, been urged that no offence under anyone of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can at all be said to have been made out against the appellants.

For the reasons afore-stated, the appeal is allowed.

The order dated 14.09.2020, passed by the learned Additional District & Sessions Judge 1st cum Special Judge, SC/ST, Saran at Chapra, is set aside.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight



weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge 1st cum Special Judge, SC/ST, Saran at Chapra in connection with Bheldi P. S. Case No. 121 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

skm/-

U		T	
---	--	---	--

