

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3174 of 2019

Arising Out of PS. Case No.-35 Year-2019 Thana- BARACHATTI District- Gaya

RAIS ANSARI @ RAIS MIAN Son of Late Ali Bax Resident of Village -
Bunda Bigha, P.S.- Barachati, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Jubair Ansari, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 15-11-2021 Heard the 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 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 06-04-2019 passed by learned Exclusive Special Judge, SC/ST, Gaya, in connection with Barachatti P.S. Case No.35 of 2019, registered under sections 147, 148, 149, 341, 323, 504, 506, 354 and 295(A) of the IPC and sections 3(i)(r)(s), 2(V-A) of the SC/ST Act.

The prosecution case in brief, is that on 26.01.2019, while Raja Ansari, Suddu and other persons were attending the call of nature behind Surya Mandir, the informant asked them to go away from the temple. The accused persons started calling name



of her caste. Further case of the prosecution is that some persons also wanted to get them away but they were assaulted. It is alleged that on the next day, the named accused along with the appellant came there with *garasa* and *talvar* and assaulted the prosecution party, due to which they sustained injuries.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. The appellant has no concern with the aforesaid occurrence and has been falsely implicated in the case. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Slating the informant in the name of caste is not said to have been made in public view, hence, no offence under SC/ST Act is made out against the appellant. It is further submitted that the appellant is aged about 79 years. The appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for anticipatory bail.

In the facts and circumstance of the case, I am not inclined to enlarge the appellant on anticipatory bail. The prayer for anticipatory bail is hereby rejected.

Accordingly, the appeal is dismissed.

However, the appellant is directed to surrender before the



learned Court below within a period of four weeks from today
and seek regular bail.

It is expected that, the learned court below shall consider
and dispose of the prayer for regular bail of the appellant on the
same day.

(Anjani Kumar Sharan, J)

pallavi/-

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

