

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.799 of 2021**

Arising Out of PS. Case No.-224 Year-2020 Thana- HUSSAINGANJ District- Siwan

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1. Sarfaraj Ahmad @ Sarfaraj, S/o Hanif
  2. Mannu Ali @ Mannu @ Manu, S/o Hanif
  3. Shaukat Ali @ Shaukat, S/o Sabir Ali
  4. Iqbal @ Iqbal Ahmad, S/o Kasim Miskar
  5. Afroj Ali @ Afroj, S/o Kazim
  6. Kashif Raza @ Kasif @ Kasib, S/o Aabid
  7. Sonu @ Tabrej Alam (Sonu), S/o Ghulam Mustafa @ Mustafa
- All are R/o Village - Aranda, P.S. - M.H. Nagar, District - Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Javed Aslam, Adv.  
For the Respondent/s : Mr. Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

2      02-07-2021              Mr. Javed Aslam, the learned Advocate for the appellants seeks permission to withdraw the appeal with respect to appellant No. 6, namely, Kashif Raza @ Kasif @ Kasib as he has been arrested.

Permission is granted.



The appeal with respect to appellant No. 6 is dismissed as having become infructuous.

Heard the counsel for the parties.

The appellant Nos. 1 to 5 and 7 have challenged the order dated 01.10.2020 passed by the learned 1st Addl. Sessions Judge-Cum-Special Judge, Siwan in connection with Hussainganj (Hassanpura) P.S. Case No. 224 of 2020, instituted for the offences under Sections 341, 323, 354, 448, 504 and 34 of the Indian Penal Code and Sections 3(i) (r) and 3(2)(va) 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 F.I.R. that when the son of the informant climbed up the electric pole to repair the electric connection in his house, the appellants and others entered the house of the informant and subjected his daughter-in-law to ignominy by pulling her clothes and also assaulting and abusing her.

It has been submitted on behalf of the appellants Nos. 1 to 5 and 7 that the mother of appellant No. 1 has



also lodged a case with respect to the same occurrence and the present case appears to be a counter blast to the aforesaid case. The counter case has been brought on record to the *memo* of Appeal. Apart from this, it has been submitted that the facts have totally been distorted in the subject F.I.R. There is no injury on any person and precisely for that reason, such corresponding offence under the I.P.C. has not been added in the F.I.R. The dispute, it has been argued, is with respect to a different issue but in order to give a serious colour to the case, the provisions of S.C./S.T. (Prevention of Atrocities) Act have been invoked.

Regard being had to the aforesaid submissions, the order dated 01.10.2020, referred to above, is set-aside.

The appellant Nos. 1, 2, 3, 4, 5 and 7, viz., Sarfaraj Ahmad @ Sarfaraj, Mannu Ali @ Mannu @ Manu, Shaukat Ali @ Shaukat, Iqbal @ Iqbal Ahmad, Afroj Ali @ Afroj and Sonu @ Tabrez Alam, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees



Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge-Cum-Special Judge, Siwan in connection with Hussainganj (Hassanpura) P.S. Case No. 224 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands disposed off accordingly.

**(Ashutosh Kumar, J)**

Praveen-II/-

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