

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2371 of 2021

Arising Out of PS. Case No.-197 Year-2020 Thana- ATRI District- Gaya

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1. JAHANGIR ANSARI S/O LATE SAGIR ANSARI @ MD. SAGIR MIYAN R/O VILLAGE GOHCHAK TIKAR, TEUSA, PS-ATRI, DISTRICT-GAYA.
 2. RAJU ANSARI S/O LATE SAGIR ANSARI @ MD. SAGIR MIYAN R/O VILLAGE GOHCHAK TIKAR, TEUSA, PS-ATRI, DISTRICT-GAYA.
 3. MANJILA ANSARI @ MD. SHUHAIL ANSARI S/O TUTU ANSARI @ MD. SHABIR ANSARI R/O VILLAGE GOHCHAK TIKAR, TEUSA, PS-ATRI, DISTRICT-GAYA.
 4. ISRAFIAL ANSARI @ MD. ISRAFIAL ANSARI @ BHERU ANSARI S/O LATE SAGIR ANSARI @ MD. SAGIR MIYAN @ BANDHA ANSARI R/O VILLAGE GOHCHAK TIKAR, TEUSA, PS-ATRI, DISTRICT-GAYA.
 5. SAMUL ANSARI @ MD. SAMUL ANSARI S/O LATE MD. CHHEDI MIYAN @ KALLU ANSARI R/O VILLAGE GOHCHAK TIKAR, TEUSA, PS-ATRI, DISTRICT-GAYA.
 6. RUSTAM ANSARI @ MOHAMMAD RUSATAM S/O MD. NUR HASAN R/O VILLAGE GOHCHAK TIKAR, TEUSA, PS-ATRI, DISTRICT-GAYA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Munarik Paswan Late Shivnandan Paswan Resident of Village-Daulatpur, P.S.-Atri, District- Gaya

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Tabish Sharfuddin, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 17-10-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

Learned counsel for the appellants has filed a supplementary affidavit on 02.04.2021 stating in paragraph-4 that name of respondent no.4 is Israfial Ansari @ Md. Israfial Ansari @ Bheru Ansari @ Sheru Ansari, but in the cause title of



the bail petition, Sheru Ansari has not been mentioned, which fact may be verified from the first paragraph of the impugned order.

In view of the fact aforesaid, let the name of appellant no.4 be read as Israfial Ansari @ Md. Israfial Ansari @ Bheru Ansari @ Sheru Ansari.

By order dated 25.04.2022, notice was issued to respondent no.2. Learned counsel for the appellants has filed supplementary affidavit dated 10.10.2022 stating therein that the notice was received by son of respondent no.2 and they are living together in the same house.

In view of the fact aforesaid, the notice issued upon respondent no.2 is treated to be validly served.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 16.09.2020, passed by learned Court of Special Judge (S.C./S.T. Act), Gaya in connection with Atri P.S. Case No.197 of 2020, registered under Sections 147, 149, 323, 307, 379, 504 and 506 of the Indian Penal Code and Sections 3 (1) (r) (s) and 3(2)(va) of the SC/ST Act.



The appellants are said to have abused and assaulted the informant and his son by means of *lathi* causing injuries to them.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is further submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. There is general and omnibus allegation against the appellants. It is submitted that there is nothing on record to show that the appellants abused the informant by naming his caste.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants.

Having considered the fact that there is general and omnibus allegation against the appellants, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Special Judge (SC/ST Act), Gaya in connection with Atri P.S. Case No.197 of 2020, subject to the conditions as laid down under Section



438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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