

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3468 of 2021

Arising Out of PS. Case No.-72 Year-2021 Thana- FORBESGANJ District- Araria

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1. MAHBOOB ANSARI @ MD. MAHBOOB ANSARI S/o Late Jainul Ansari R/O Village - Haripur, Ward No. 8, P.S. - Forbesganj, District - Araria.
 2. Anwar Ansari @ Md. Anwar Ansari S/o Mafooz Ansari R/O Village - Haripur, Ward No. 8, P.S. - Forbesganj, District - Araria.
 3. Naushad Ansari @ Md. Naushad Ansari Son of Najam Ansari Resident of Village- Haripur, Ward No. 8, P.S.- Forbesganj, District- Araria

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Vidyanand Rishideo Late Jiyan Rishideo R/O Village-Haripur, Ward No.-08, Bela Dhatta P.S.-Forbesganj, District-Araria

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Rajendra Narain, Senior Advocate Mr. Kundan Kumar Singh, Advocate Mr. Pratik Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-10-2022 Heard Mr. Rajendra Narain, learned Senior Counsel assisted by Mr. Kundan Kumar Singh for the appellants and learned Special P.P. for the State.

By order dated 30.06.2022, notice was issued to respondent no.2. The office points out that respondent no.2 has appeared by filing *Vakalatnama*, but today nobody appears on behalf of respondent no.2.

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 29.06.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Forbesganj P.S. Case No.72 of 2021, registered under Sections 302 and 34 of the Indian Penal Code. Later on, Section 3(2)(v) of the SC/ST Act was added.

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. It is submitted that there is general and omnibus allegation against the appellants. It is further submitted that there is nothing on record to show that the appellants have abused the informant by naming his caste.

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

Taking into consideration the fact that there is nothing on record to show that the appellants have abused the informant by naming his caste, 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 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Forbesganj P.S. Case No.72 of 2021, 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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