

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1223 of 2023

Arising Out of PS. Case No.-238 Year-2020 Thana- MANJHI District- Saran

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1. Taufique Ansari Son Of Navi Hussain Resident Of Village- Katokhar, Ps- Manjhi, District- Saran
 2. Sahil Ansari Son Of Saheb Hussain Resident Of Village- Katokhar, Ps- Manjhi, District- Saran
 3. Hazrat Ansari Son Of Late Alam Mian Resident Of Village- Katokhar, Ps- Manjhi, District- Saran

... .. Appellants

Versus

1. The State of Bihar
2. Binod Kumar Singh Son Of Late Nand Kishor Singh Resident Of Village- Katokhar, Ps- Manjhi, District- Saran

... .. Respondents

Appearance :

For the Appellant/s	:	Mr.Gopal Govind Mishra, Advocate
For the State	:	Ms/Mrs. Usha Kumari 1, Spl. Public Prosecutor
for respondent no.2	:	Mr. C M Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 15-09-2023 Heard learned counsel for the appellants, the State and respondent no.2.

2. Appellants have challenged order dated 28.3.2022, passed in Manjhi P.S. Case No. 238 of 2020, whereby the prayer made on behalf of the appellants for grant of pre-arrest bail for the offences under Sections 147, 148, 323, 307, 376 and 511 of the Indian Penal Code and Sections 3(r)(s) of the SC/ST (Prevention of Atrocities) Act has been rejected.

3. As per the prosecution case, when two of the accused persons viz. Raja Ansari and Sahil Ansari (appellant no.2) tried to show obscene video clips to the daughter of the



informant, she protested. When she was attempted to be raped, people from the neighbourhood arrived and as a result of that, the accused persons ran away. Shortly thereafter, it has been alleged that the aforesaid two accused persons along with their friends, approximating 100 in number, out of whom 62 persons have been named, attacked the members of the prosecution party, especially the family members of the informant.

4. It is submitted on behalf of the appellants that no specific overt act has been attributed against them. The specific act of assault and exhortation is against other accused persons. Furthermore, there is no allegation of abusing respondent no.2 by caste name. It is not the case of the informant that any member of the public was present at the time of the incident, as such, no case under SC/ST Act is made out. Appellants have got no criminal antecedent.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail. They submit that there is specific allegation against appellant no.2 of attempt to commit rape on the victim.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside with respect to appellants no.1 and 3. Let these appellants, named above, in the



event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge III cum Special Judge, SC/ST Act, Saran at Chapra in Manjhi Police Station Case No. 238 of 2020.

7. I do not find any reason to interfere with the impugned order with respect to appellant no.2. Accordingly, appeal seeking pre-arrest bail of appellant no.2 is dismissed.

(Prabhat Kumar Singh, J)

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