

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2592 of 2021

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

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AFTAB ANSARI @ MAHATAB ANSARI Son of Md. Rahim Miyan
Resident of Village- Gohchak, Tikar, Teusa, P.S.- 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

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Appearance :

For the Appellant/s : Mr. Tabish Sharfuddin
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-01-2023 Heard learned counsel for the appellant and

learned Special Public Prosecutor for the State.

Learned counsel for the appellant undertakes to

remove the defects within four weeks.

A supplementary filed on behalf of the appellant is

on record in which it is stated that the respondent no.2 and his

son are residing in the same house, hence the notice is deemed

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 in short referred to as the

'SC/ST Act') against the refusal of prayer for anticipatory bail



vide order dated 16.09.2020 passed by learned Special Judge (SC/ST Act), Gaya in connection with Atri P.S. Case No. 197/2020 registered under Sections 147, 149, 323, 307, 379, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was cultivating his field, the appellant in association of other co-accused is said to have come there and started abusing him, on objection, the accused persons with a view to kill him started assaulting him with lathi and hit on the head of the informant. They also abused him. When the son of the informant came in his rescue he was also assaulted by them.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to land dispute. There is case and counter case between the parties. The learned lower Court has also not mentioned any injury. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no specific allegation against the appellant to abuse the informant in his caste name, hence, no offence under SC/ST Act is made out against him. Appellant has



no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Gaya in connection with Atri P.S. Case No.197 of 2020, subject to the condition 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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