

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1839 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- RAJIVNAGAR District- Patna

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1. RAFI ANSARI @ RAFIQ ANSARI @ RAFIK ANSARI Son of Abdul Rajak Mian @ Abdul Rajak Ansari R/O Village - Bankat Kathwaliya, Ward No.- 12, P.S.- Chanpatia, District - West Champaran.
 2. Rohit Kumar Son of Harikesh Baitha R/O Village - Bankat Kathwaliya, Ward No.- 12, P.S.- Chanpatia, District - West Champaran.
 3. Sarfullah Ansari Son of Muzahir Miyan R/O Village - Behra, P.S.- Sikta, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Anil Kumar Ram Son of Sadanand Ram R/O Village - Mahadev Mand, P.S.- Sasua, District - Saharsa, Present address - Shantipuram Colony, Ward No.- 2, Tenant in the Building of Pankaj Sir, P.S.- Rajiv Nagar, District - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 27-04-2023 Though notice has been issued to O.P. No. 2, no one
has turned to assist the Court.

Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant
against the order dated 28.02.2023 passed by learned Exclusive
Special Court SC/ST Act, Patna in Sr. No. 14 of 2023 whereby
the prayer for bail of the appellant in connection with
Rajivnagar P.S. Case no. 21 of 2023 under Sections 341, 323,



504, 506, 354,34 of the Indian Penal Code and sections 3(i)(r)(s) of SC/ST Act was rejected.

As per allegation in the FIR, all the three appellants have assaulted the informant by means of sharp wood as a result of which he received cut and bleeding. When his wife came there to rescue him, she was dashed on the ground by them and she received internal injuries.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. They have not taken the cast name of the informant in public view. They have got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against them. The appellant has no intention to disgrace the image of the informant in public view. Appellants have got no criminal antecedent and are languishing in judicial custody since 9.1.2023.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 28.02.2023 passed in Sr. No. 14 of 2023



is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Rajivnagar P.S. Case No. 21 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court, SC/ST Act, Patna.

(Sunil Kumar Panwar, J)

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