

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1817 of 2022**

Arising Out of PS. Case No.-36 Year-2020 Thana- SAKATPUR District- Darbhanga

PHOOL HUSSAIN ANSARI Son of Late Nasir Ansari R/V- Katharaha, P.S.-
Sakatpur, District - Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Badhiya Saday Son of Late Madhuker Saday R/o vill- Thegaha Ban
Musahari, P.S.- Saketpur, Dist- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 25-01-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In compliance of order dated 31.08.2022, notice was sent
to respondent no.2 but as per process server report, respondent
no.2 has died.

Considering the same, this appeal is being heard in
presence of learned Special Public Prosecutor only.

This is an appeal under section 14(A) 2 of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for anticipatory bail vide order dated
01.04.2022, passed by learned Additional Sessions Judge-3rd



cum- Special Judge, SC/ST (POA), Darbhanga, in connection with Sakatpur P.S. Case No.36 of 2020, registered under sections 147, 148, 341, 323, 379, 307, 354(B), 504, 506 of the IPC and sections 3(1)(s) of the SC/ST Act.

Allegedly, all the accused persons including the appellants entered into the field of Etwari Ansari and abused the the informant and on protest, informant and his family were assaulted by the accused persons including the appellant by means of various deadly weapons.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific allegation against the appellant to have abused the informant by taking caste name. Appellant has no criminal antecedent and several similarly situated co-accused have been granted anticipatory bail by different co-ordinate Bench of this Court.

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

Considering the facts and circumstances of the case, since similarly situated co-accused have been granted bail, the



appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-3rd cum- Special Judge, SC/ST (POA), Darbhanga, in connection with Sakatpur P.S. Case No.36 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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