

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3928 of 2023

Arising Out of PS. Case No.-144 Year-2023 Thana- MEHSI District- East Champaran

Naushad Ali Ansari @ Md. Naushad Ali Ansari Son Of Gulam Mustafa
Ansari Resident Of Village Mogalpura Ward No 8 Presently Nagar Teacher
Middle School Mirzapur Ps Mehsi District East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Hemchandra Son of Garib Paswan R/o vill - Sanjat, Post - Sanjat, P.s. -
Bhagwanpur, Distt. - Begusarai presently Distt. - Programme Officer, P.M.
Poshan Yojna, East Champaran, Motihari

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shailendra Kumar Singh, Advocate
For the Informant	:	Mr. Prijat Shaurav, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, Sp. P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 01-12-2023 Heard learned counsel for the appellant and learned
counsel for the informant as well as learned Special Public
Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against the refusal of prayer for anticipatory
bail vide order dated 04.07.2023, passed by the learned Special
Judge, SC/ST Act, East Champaran, Motihari arising out of
Mehsi P.S. Case No. 144 of 2023 dated 16.05.2023 registered
for the offence/s punishable u/ss 341, 342, 323, 386, 504, 186,
353 and 506 read with section 34 of the Indian Penal Code and



3(i)(r)(s) of the SC/ST Act.

3. As per the prosecution case, the informant being District Program Officer went to the government middle school, Mirzapur, Mehsi for school inspection. In the course of inspection, the appellant came to the school then the informant asked him as to where he had gone after marking the attendance. It is further alleged that the appellant snatched the register from the hand of the informant and abused him by calling his caste name and assaulted him in the school campus.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. The said word is not laced with the casteist remark. As per FIR, no member of public was present at the relevant point of time of the incident. There is no allegation of hurling of caste related abuse at the informant by the appellant. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. The appellant has no criminal antecedent as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as



learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 04.07.2023 passed by the learned Special Judge, SC/ST (POA) Act, East Champaran, Motihari arising out of Mehsi P.S. Case No. 144 of 2023, is set aside against the appellant. The criminal appeal is allowed.

6. Accordingly, the above named appellant, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, East Champaran, Motihari arising out of Mehsi P.S. Case No. 144 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

guddukr/-

U		T	
---	--	---	--

