

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3781 of 2022

Arising Out of PS. Case No.-287 Year-2021 Thana- KALYANPUR District- East Champaran

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RUSTAM ANSARI @ RUSTAM S/O GAFFAR ANSARI @ ABDUL
GAFFAR Resident of village- Jagdishpur, P.S.- Kalyanpur, District- East
Champaran.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. FAIZ AHMAD FAIZ S/O MD. MANJURAL HAQUE Resident of village-
Bahlolpur, P.S.- Dhaka, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Madhurendra Kumar
For the Respondent/s	:	Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-04-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned Spl. PP for the State, in compliance of order
dated 02.03.2023, informed the informant/complainant. Nobody
appeared on behalf of the informant/complainant.

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 of anticipatory bail
vide order dated 21.07.2022 passed by learned Special Judge
SC/ST Act, East Champaran at Motihari, in connection with
Kalyanpur P.S. Case No. 287 of 2021 registered under Sections



147, 148, 149, 341, 323, 325, 353, 354, 504, 506, 509, 307, 427, 379, 188, 440, 332, 171F of the Indian Penal Code, Section 131, 134(b), 135, 135(A) of the R.P. Act, Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Section 3 of the D.P. Act and Section 27 of the Arms Act.

As per the prosecution case, all the FIR named accused persons including the appellant and more than 200 unknown persons attacked on the polling booth, assaulted the police personnel, snatched pistol, damaged EVM machine and also fired upon the police personnel.

Learned counsel for the appellant submits that the appellant has no concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellant. Similarly situated co-accused, have been enlarged on bail by this Court vide order dated 22.03.2022 passed in Cr. Appeal (SJ) No.218 of 2022 and vide order dated 09.11.2022 passed in Cr. Appeal (SJ) No. 305 of 2022. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State opposes payer for bail



and submits that the appellant abused the respondent no. 2/informant by taking caste name.

Considering the facts and circumstances of the case, let 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 bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST Act, East Champaran at Motihari, in connection with Kalyanpur P.S. Case No. 287 of 2021, 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)

anand/-

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