

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.724 of 2024

Arising Out of PS. Case No.-790 Year-2023 Thana- SIKARPUR District- West Champaran

1. ANARUL ANSARI SON OF LATE LATIF ANSARI R/O-PHULWARIYA, P.S.-SHIKARPUR, DISTT.-WEST CHAMPARAN
2. HARUN ANSARI @ HASAN ANSARI SON OF LATE LATIF ANSARI R/O-PHULWARIYA, P.S.-SHIKARPUR, DISTT.-WEST CHAMPARAN
3. ANSARUL ANSARI SON OF LATE LATIF ANSARI R/O-PHULWARIYA, P.S.-SHIKARPUR, DISTT.-WEST CHAMPARAN
4. FARUKH ANSARI @ FARUK ANSARI SON OF LATE LATIF ANSARI R/O-PHULWARIYA, P.S.-SHIKARPUR, DISTT.-WEST CHAMPARAN
5. SAMSER ANSARI SON OF RAHMAN ANSARI R/O-PHULWARIYA, P.S.-SHIKARPUR, DISTT.-WEST CHAMPARAN
6. TEJAMUL ANSARI @ NAJAMUL ANSARI @ NEJAMAL ANSARI SON OF LATE ISMAIL MIAN R/O-PHULWARIYA, P.S.-SHIKARPUR, DISTT.-WEST CHAMPARAN
7. MAJID ANSARI SON OF LATE HABIB ANSARI R/O-PHULWARIYA, P.S.-SHIKARPUR, DISTT.-WEST CHAMPARAN
8. NAUSAD ANSARI SON OF TEJAMUL ANSARI @ NAJAMUL ANSARI @ NEJAMAL ANSARI R/O-PHULWARIYA, P.S.-SHIKARPUR, DISTT.-WEST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. LAL BABU PASWAN LATE DASHRATH PASWAN R/O-PHULWARIYA, P.S.-SHIKARPUR, DISTT.-WEST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar, Advocate
Ms. Manisha Khushi, Advocate
For the State : Ms. Usha Kumari No. 1, Spl.P.P.
For the Respondent No. 2 : Mr. Sarvesh Kashyap, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 14-05-2024 1. Heard learned counsel for the appellants, Ms. Usha Kumar No. 1 learned Special Public Prosecutor for the State and Mr. Sarvesh Kashyap learned counsel appearing on behalf of the respondent no. 2.



2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 06.01.2024 in A.B.P. No. 3130 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, West Champaran at Bettiah in connection with Shikarpur P.S. Case No. 790 of 2023 registered under Sections 447, 341, 323, 324, 307, 504, 506 and 427 of the Indian Penal Code as well as Sections 3(1) (r)(s) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the respondent no. 2. It is further submitted that appellants no. 1 and 2 have antecedent of one case and appellants no. 3 to 8 are persons with clean antecedent. It is next submitted that wife of the brother of the appellant no. 1 instituted Shikarpur P.S. Case No. 791 of 2023 under various sections of the Indian Penal Code and the POCSO Act against the respondent no. 2 and others alleging that they outraged the modesty of the daughter of the appellant no. 2. It is also submitted that since the respondent no. 2 and his side indulged in outraging the modesty of the daughter of the appellant no. 2, as such, an altercation took place based on which fight ensued in between the parties and it is alleged that appellant no. 2



assaulted the respondent no. 2 over his head by farsa causing injury. It is further submitted that though the fight between the appellants and the respondent no. 2 took place on account of outraging the modesty of the daughter of the appellant no. 2 but then the respondent no. 2, with a view to falsely implicate the appellants, instituted the instant FIR with an allegation that while he was going to see his orchard when he saw Anarul Ansari (appellant no. 1) and Harun Ansari @ Hasan Ansari (appellant no. 2) taking 20-25 small plants of Sagwan tree which was objected and thereafter it is alleged that all the accused persons including the appellants came and assaulted him and Harun Ansari @ Hasan Ansari (appellant no. 2) is alleged to have assaulted by farsa. It is next submitted that specific allegation of assault is against appellant no. 2 and appellant no. 1 is alleged to have assaulted the respondent no. 2 by lathi over his head and body while the allegation against rest of the appellants is general and omnibus in nature.

4. Learned Special Public Prosecutor and learned counsel appearing on behalf of the respondent no. 2 opposed the prayer for anticipatory bail and submit that Shikarpur P.S. Case No. 791 of 2023 was instituted by way of counterblast to the instant FIR. It is further submitted that specific allegation of assaulting the respondent no. 2 is against Harun Ansari @ Hasan



Ansari (appellant no. 2) with farsa and the opinion on the injury has been kept reserved.

5. Considering the submissions, let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

6. Accordingly, the impugned order is set aside and this appeal stands allowed.

7. However, the learned trial court before accepting the bail bonds of appellant no. 2 Harun Ansari @ Hasan Ansari shall verify whether the injury suffered by the respondent no. 2 is grievous or not and if it is found that the injury suffered by the respondent no. 2 is grievous in nature, the present order shall not be given effect to in favour of the appellant no. 2.

(Satyavrat Verma, J)

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