

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4057 of 2023

Arising Out of PS. Case No.-191 Year-2023 Thana- HASPURA District- Aurangabad

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1. SADAB ANSARI @ SADDAM ANSARI @ MD. SADDAM HUSSAIN S/O EQBAL ANSARI @ MD. EQBAL ANSARI RESIDENT OF VILLAGE- AMJHAR SHARIF , PS- HARPURA, DIST- AURANGABAD, BIHAR
 2. RIZWAN ANSARI @MD. RIZWAN ANSARI S/O EQBAL ANSARI @ MD. EQBAL ANSARI RESIDENT OF VILLAGE- AMJHAR SHARIF , PS- HARPURA, DIST- AURANGABAD, BIHAR

... .. Appellant/s

Versus

1. The State of Bihar
2. JAYLAL CHOUDHARY SON OF LATE MUKHLAL CHOUDHARY RESIDENT OF VILLAGE- AMJHAR SHARIF , PS- HARPURA, DIST- AURANGABAD, BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailesh Kumar Singh, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-01-2024 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

2. In compliance of the order of this Court, learned Spl.P.P. for the State informed the respondent no.2 about her appearance in the appeal but nobody appears on her behalf.

3. 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 09.08.2023, passed by learned Special Judge SC/ST Act cum 1st



Additional District and Sessions Judge, Aurangabad (Bihar), in connection with Haspura P.S. Case No.191 of 2023, registered u/s 341, 323, 324, 307, 504, 506, 34 of the IPC and sections 3(i)(r)(s)/ 3(2)(va) of the SC/ST Act.

4. As per the F.I.R., soil was being filled by the informant for construction of Septi Tunky of Laterine, meanwhile the appellants and other accused persons came and objected and thereafter they abused him by caste name and assaulted him, his wife and son by lathi, danda.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have 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 appellants as there is no specific overt act against the appellants to abuse the informant's side by caste name rather there is general and omnibus allegation against all the accused to abuse the informant. No person has sustained any injury in the present occurrence. Appellants have no criminal antecedent.

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

7. Considering the facts and circumstances of the case, since



there is no specific overt act against the appellants, let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Act cum 1st Additional District and Sessions Judge, Aurangabad (Bihar), in connection with Haspura P.S. Case No.191 of 2023, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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