

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5709 of 2023**

Arising Out of PS. Case No.-52 Year-2023 Thana- SC/ST District- Kaimur (Bhabua)

1. SERAJ ANSARI @ DABLU ANSARI SON OF SAHJAD ANSARI  
RESIDENT OF VILLAGE - DUMRAITH, P.S. - BHABUA, DISTRICT -  
KAIMUR (BHABUA)
2. MERAJ ANSARI SON OF SAHJAD ANSARI RESIDENT OF VILLAGE -  
DUMRAITH, P.S. - BHABUA, DISTRICT - KAIMUR (BHABUA)
3. RIYAZ ANSARI SON OF SAHJAD ANSARI RESIDENT OF VILLAGE -  
DUMRAITH, P.S. - BHABUA, DISTRICT - KAIMUR (BHABUA)
4. SAJID ANSARI @ CHUNNU ANSARI SON OF SAHJAD ANSARI  
RESIDENT OF VILLAGE - DUMRAITH, P.S. - BHABUA, DISTRICT -  
KAIMUR (BHABUA)

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MAMITA DEVI WIFE OF SANJAY DHOBI RESIDENT OF VILLAGE -  
DUMRAITH, P.S. - BHABUA, DISTRICT - KAIMUR (BHABUA)

... .. Respondent/s

**Appearance :**

|                      |   |                                                                     |
|----------------------|---|---------------------------------------------------------------------|
| For the Appellant/s  | : | Mr. Rakesh Kumar Mishra, Advocate                                   |
| For the Respondent/s | : | Mrs. Usha Kumari 1, Special P.P.<br>Mr. Tribhuwan Narayan, Advocate |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      29-08-2024                      Heard learned counsel for the appellants, learned  
  
Special P.P. for of the State and learned counsel appearing on  
  
behalf of Respondent No. 2.

2. This appeal has been filed against the order dated  
24.11.2023 passed by learned Special Judge, SC/ST (POA) Act,  
Kaimur, Bhabhua in connection with SC/ST P.S. Case No. 52 of  
2023, registered under Sections 147, 341, 323, 308, 354, 504,  
506 of the Indian Penal Code and Sections 3(1)(r)(s)(w), 3(2)



(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short “SC/ST Act”), whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per prosecution case, on the alleged date and time of occurrence, all the accused persons including these appellants, named in the F.I.R., came at the house of informant and started abusing all family members of informant by caste name. Appellant no. 1 is alleged to have caused injury on the head of husband of informant and when informant and her mother-in-law came there, they were also assaulted by accused persons.

4. Learned counsel for the appellants submits that appellants are next door neighbours and due to petty dispute, a simple *Maarpeet* took place, in which, both sides sustained injuries. There is case and counter case. Learned counsel further submits that F.I.R. does not disclose that at the time of occurrence, any member of the public was present there and as such, no offence under the SC/ST Act is made out against appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 vehemently opposed the prayer for anticipatory bail of appellants.



6. However, considering the aforesaid facts and circumstances of the case as well as the rival submissions advanced on behalf of the parties, the impugned order dated 24.11.2023 is, hereby, set aside and this criminal appeal is allowed.

7. Let the appellants, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Kaimur, Bhabhua in connection with SC/ST P.S. Case No. 52 of 2023.

**(Prabhat Kumar Singh, J)**

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