

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.382 of 2024

Arising Out of PS. Case No.-181 Year-2023 Thana- SANOKHAR District- Bhagalpur

1. Mokim Ansari @ Mukim Ansari @ Md. Mokim Ansari S/o Sagri Ansari @ Sageer Ansari R/o Vill - Sohail, P.S. - Sanokhar, Dist. - Bhagalpur
2. Hado Ansari @ Haroon Ansari S/o Chhedi Ansari R/o Vill - Sohail, P.S. - Sanokhar, Dist. - Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Amlesh Kumar S/o Ganesh Harijan R/o Vill - Sohail, P.S. - Sanokhar, Dist. - Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ambrish Jha, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the Resp. No. 2	:	None

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-05-2025 Heard Mr. Ambrish Jha, learned counsel for the appellants as well as Mr. Binay Krishna, learned Special Public Prosecutor for the State.

2. Despite of entered appearance through Vakalatnama on behalf of Respondent No. 2/Informant, no one appears on behalf of Respondent No. 2.

3. This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 08.11.2023 passed by the learned Additional District & Sessions Judge-III-cum-Special Judge (SC/ST Act),



Bhagalpur in connection with Sanokhar P.S. Case No. 181 of 2023 F.I.R. dated 24.07.2023 registered under Sections 147, 149, 323, 308, 379, 504 of the Indian Penal Code and Sections 3(1) (r)(s)/3(2) (Va) of SC/ST Act.

4. Allegation against the appellants is that he along with other co-accused persons have assaulted the informant and tied him with a pole for one hour and also abused him by saying his caste name.

5. Learned counsel for the appellants submits that the appellants have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 22.07.2023 but the present F.I.R. was instituted on 24.07.2023 after delay of two days without giving any explanation of delay and apart from that from perusal of the F.I.R. it appears that there is specific allegation of abusing is against co-accused person namely Sheikh Arshad and there is no specific allegation of any assault or overt act or abusing against these appellants rather there is general and omnibus allegation against all the accused persons including these appellants.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail of the



appellants.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Casts and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts that the appellants having clean antecedents and there is no specific allegation of any assault or overt act or abusing against these appellants, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST Act)-cum-Additional District & Sessions Judge, 3rd, Bhagalpur in connection with Sanokhar P.S. Case No. 181 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 along with other following conditions :-

(1) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without



sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the appellants tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Accordingly, the impugned order dated 08.11.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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