

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.539 of 2024

Arising Out of PS. Case No.-163 Year-2023 Thana- UCHKAGAON District- Gopalganj

SAMSAD ANSARI @ SAMSAD ALI SON OF HASHIM ANSARI R/O-
PAKHO PALI, P.S.-UCHAKAGAON, DISTT.-GOPALGANJ

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MANISH KUMAR SAH (GOD) SON OF RAJESH SAH R/O-PAKHO
PALI, P.S.-UCHAKAGAON, DISTT.-GOPALGANJ

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Sailendra Kumar Dwivedi, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For Respondent No. 2	:	Mr. Naresh Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 31-07-2025 Heard learned counsel appearing for the appellant,

learned Spl.P.P. appearing on behalf of the State and learned

counsel appearing on behalf of the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 07.11.2023 passed in a case registered for the offence punishable under Sections 147, 148, 149, 323, 324, 307, 354B, 379 and 504 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of this appellant has been rejected.

3. As per prosecution case, informant, namely Manish Kumar, alleged that on 15.05.2023, during orchestra



programme, all the F.I.R. named accused persons, including this appellant, came and abused informant by caste name and on protest, all of them assaulted informant and others and also tried to outrage the modesty of his sister.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that petitioner is only alleged to be member of the mob and there is no specific accusation of overt act against this appellant. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. Appellant claims clean antecedents.

5. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed this appeal.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 07.11.2023 passed by the learned



Additional Sessions Judge-XI-cum-Exclusive Special Judge,
SC/ST Act, Gopalganj in connection with A.B.P. No. 2868 of
2023 arising out of Uchakagaon P.S. Case No. 163 of 2023 is
hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the
event of arrest/surrender within a period of eight weeks from the
date of receipt/production of a copy of this order, be enlarged on
bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with
two sureties of the like amount each to the satisfaction of
learned Additional Sessions Judge-XI-cum-Exclusive Special
Judge, SC/ST Act, Gopalganj in connection with Uchakagaon
P.S. Case No. 163 of 2023.

(Prabhat Kumar Singh, J)

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