

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4541 of 2023

Arising Out of PS. Case No.-238 Year-2020 Thana- MANJHI District- Saran

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1. Sheikh Jamal @ Jamal Son Of Sheikh Umar Resident Of Village - Katokhar, P.S. - Manjhi, District - Saran (Chapra)
 2. Sheikh Ashik Son Of Sheikh Talim Resident Of Village - Katokhar, P.S. - Manjhi, District - Saran (Chapra)
 3. Jabir Khan Son Of Babu Jaan Khan Resident Of Village - Katokhar, P.S. - Manjhi, District - Saran (Chapra)

... .. Appellant/s

Versus

1. The State of Bihar.
2. Binod Kumar Singh Son Of Late Nand Kishor Singh Resident Of Village - Katokhar, P.S. - Manjhi, District - Saran (Chapra)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Tiwary, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 10-07-2025 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Spl. P.P. for the State.

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 “SC/ST Act”) against the refusal of prayer for anticipatory bail of the appellant vide order dated 05.08.2023 passed by the learned Exclusive Special Judge, SC/ST (PoA) Act, Saran at Chapra in connection



with A.B.P. No. 2745 of 2023, arising out of Manjhi P.S. Case No. 238 of 2020 dated 19.08.2020 registered for the alleged offences punishable under Sections 147, 148, 323, 307, 376 and 511 of the Indian Penal Code and under Sections 3 (1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 19.08.2020 at about 08:30 AM, the daughter of the informant was going to attend her coaching class, the accused persons named in the FIR namely, Raja Ansari and Sahil Ansari surrounded her and misbehaved with her and showed her dirty video. When she protested, the accused persons tried to outrage her modesty and upon noise being made by the informant's minor daughter, the accused Raja Ansari along with his friends and relatives came at the house of the informant with sword, iron-rod, *farsa* and other weapons with an intention to kill. They attacked the informant due to which he sustained injury.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. Learned counsel further submitted that there is no specific allegation of any assault or overt act attributed against these appellants, rather the specific allegation of assault is on



Asraf Ali who gave sword blow on the neck of informant and on Tamjid Ali who gave repeated iron-rod blows to the informant. Learned Counsel further submitted that caste name was not disclosed by anyone at the time of alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel further submitted that no particular caste name has been called out by the appellants, hence no case is made out under SC/ST (PoA) Act. The co-accused person namely, Sarfaraj @ Sarfaraz Hussain has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court *vide* order dated 13.11.2024 passed in Cr. Misc. No. 64630 of 2024. The appellants claims clean antecedent.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellants, the impugned order dated 05.08.2023 passed by the learned learned Exclusive Special Judge, SC/ST (PoA) Act, Saran at Chapra in connection with A.B.P. No. 2745 of 2023, arising out of Manjhi P.S. Case No. 238 of 2020, is set aside against the appellants. The criminal appeal is allowed.



7. Accordingly, the above named appellants, in the event of their arrest/surrender before the learned Court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST (PoA) Act, Saran at Chapra in connection with A.B.P. No. 2745 of 2023, arising out of Manjhi P.S. Case No. 238 of 2020, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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