

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4778 of 2024

Arising Out of PS. Case No.-214 Year-2024 Thana- DARAUNDA District- Siwan

1. Babuddin Ansari @ Md. Babuddin S/O Mobaraque Ansari R/O Semari, P. S.- Daraunda (M. H Nagar), District- Siwan.

2. Bhuttu Ansari @ Shamshad Ali S/O Azim Ansari R/O Semari, P. S.- Daraunda (M. H Nagar), District- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar

2. Lakhan Ram S/O Late Balchandra Ram R/O Semari, P. S.- Daraunda (M. H Nagar), District- Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s

:

Mr. Ansul, Sr. Advocate

:

Mr. Rampravesh Nath Tiwari, Advcoate

:

Mr. Aditya Pandey, Advocate

:

Ms. Sobiya Mushtaque, Advocate

For the State

:

Mrs. Usha Kumari 1, Spl. PP

For the Resp. No.2

:

Mr. Gajendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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12-11-2025

Heard Mrs. Ansul, learned Senior Counsel for the appellants duly assisted by Ms. Sobiya Mushtaque, Advocate and Mr. Gajendra Kumar Singh, learned counsel representing the respondent no.2 as also learned Special Public Prosecutor, representing the State.

2. The present appeal has been preferred against the order dated 21.08.2024 passed by the learned Additional District and Sessions Judge-cum-Special Judge, Siwan vide A.B.P. No. 1606 of 2024 in connection with Daraunda (M.H. Nagar) P.S. Case No. 214 of 2024 lodged for the offence punishable under



section 341, 323, 354, 504 and 34 of the Indian Penal Code and 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act, whereby and whereunder prayer for anticipatory bail petition filed by the appellants have been rejected.

3. As per the prosecution story, the informant alleged that he belongs to SC/ST category and on the fateful day, as he was sitting at his door, the accused (appellants herein) came and on petty issue of disconnection of pipeline after taking caste name, assaulted causing injury on the bone. Further, accused persons also moved on the chest and tried to press it. They not only assaulted his wife but tried to outrage the modesty. They were shifted to Primary Health Centre, Jalalpur and then to Sadar Hospital, Siwan and finally to Sunrise Hospital, which led to the F.I.R.

4. Learned Senior Counsel for the appellants submit that a perusal of the F.I.R. would show that no presence of public has been recorded further, these two petitioners have no criminal antecedent, a minor scuffle took place which has been given different colour, the injury has been found to be simple in nature, it cannot be said that the utterance has been made in public. Last submission is that without accepting the allegation or outcome of the present appeal, the appellants intend to pay



Rs.10,000/- each (totaling Rs.20,000/-) to the informant towards treatment by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to be submitted at the time of execution of bail bond.

5. Learned counsel representing the respondent no.2 opposes the prayer submitting that a perusal of the F.I.R. would show that after taking caste name, assaulted.

6. Considering the submissions of the parties as also that these two appellants have no criminal antecedent, the presence of public has not been recorded and as such, prime facie the Act is not attracted, injury has been found to be simple in nature, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.10,000/- each (totaling Rs.20,000/-) to the informant as undertaken by the learned counsel for the appellants through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to be submitted at the time of execution of the bail bond and the same shall be handed over to the informant after checking his/her credentials.

7. The order dated 21.08.2024 passed by the learned Additional District and Sessions Judge-cum-Special Judge, Siwan vide A.B.P. No. 1606 of 2024 in connection with



Daraunda (M.H. Nagar) P.S. Case No. 214 of 2024 is set aside.

8. Cr. Appeal (SJ) No. 4778 of 2024 is allowed.

9. Let the appellant be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-cum-Special Judge, Siwan, in connection with Daraunda (M.H. Nagar) P.S. Case No. 214 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the appellants who shall provide official document to show his/her bona fide;

(ii) the appellants shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the appellants shall appear before the concerned police station every month for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;



(iv) the appellants shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the appellants shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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