

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5029 of 2023**

Arising Out of PS. Case No.-242 Year-2023 Thana- BARHARIA District- Siwan

SAIF ALI @ SAIF ALI ANSARI S/O AKBAR MIAN @ ALI AKBAR
ANSARI RESIDENT OF VILLAGE- AURAI, P.S.- BARHARIA,
DISTRICT- SIWAN

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. ROHIT KUMAR S/O DHARMNATH RAM R/O VILLAGE- AURAI, P.S.-
BARHARIA, DISTRICT- SIWAN

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Satyendra Rai, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.
For the Resp. No. 2	:	Mr. Udit Nr. Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 17-06-2025 Heard Mr. Satyendra Rai, learned counsel for the

appellant, Mr. Sadanand Paswan, learned Special Public

Prosecutor for the State and Mr. Udit Nr. Singh, learned counsel

for the respondent no. 2.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
26.09.2023 passed by the learned Court of Additional Sessions
Judge-1st-cum-Special Judge, SC/ST Act, Siwan in connection
with Barharia P.S. Case No. 242 of 2023, F.I.R. dated
22.06.2023 registered under Sections 341, 323, 324, 307, 504,
506/34 of the Indian Penal Code and Sections 3 (i)(r), 3(i) (s),
3(i)(w), 3 (2)(va) of the Scheduled Castes and Scheduled Tribes



(POA) Act.

3. According to the prosecution case, the appellant along with other co-accused persons started teasing the sister of the informant. When she protested and informant and his mother came and tried to save her, they abused the informant by taking caste name and assaulted him with the intention to kill.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. Although, the appellant is named in the FIR, but from perusal of the FIR, it appears that there is no specific allegation of assault against the appellant rather there is general and omnibus allegation against all the accused persons including this appellant and who has inflicted the knife blow on the informant is not clear from the FIR and even the informant has not disclosed that who has assaulted him.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant and submits that the appellant is named in the F.I.R



and he has participated in the crime in question.

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

7. Considering the facts and circumstances of the case that the appellant has clean antecedent and there is no specific allegation against the appellant, let the appellant, above named, in the event of his arrest to 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) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Siwan in connection with Barharia P.S. Case No. 242 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellant 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, 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.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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