

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5272 of 2023

Arising Out of PS. Case No.-472 Year-2023 Thana- GARKHA District- Saran

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1. ANWAR ANSARI @ MD. ANWAR ALI ANSARI @ ANWAR ALI MANSHURI Son of Shamsuddin Ansari R/o vill - Malki, P.S. - Garkha, Distt. - Saran at Chapra
 2. Sakina Khatun @ Jarina Begam W/o Anwar Ansari @ Md. Anwar Ali Ansari R/o vill - Malki, P.S. - Garkha, Distt. - Saran at Chapra
 3. Salman Ansari @ Md. Salman Ali Son of Anwar Ansari @ Md. Anwar Ali Ansari R/o vill - Malki, P.S. - Garkha, Distt. - Saran at Chapra
 4. Arman Ansari @ Md. Arman Ali Son of Anwar Ansari @ Md. Anwar Ali Ansari R/o vill - Malki, P.S. - Garkha, Distt. - Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Sampat Ram Rahi (Mukhiya) Son of Late Kapur Chand Ram R/o vill and P.o - Kewani, P.S. - Garkha, Distt. - Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 15-07-2025 Heard Mr. Dhananjay Kumar Tiwary, learned counsel

for the appellants and Mr. Sadanand Paswan, learned Spl.P.P. for

the State.

2. Despite valid service of notice upon Respondent
No.2, no one appears on behalf of Respondent No.2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
07.10.2023 passed by the learned SC/ST Exclusive Special
Judge, Chapra, Saran in connection with Garkha P.S. Case No.



472 of 2023, F.I.R. dated 02.08.2023 registered under Sections 188, 384, 379, 353 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleges that construction was underway on Government approved land (Mauza-Maiki, Thana-Garkha, District-Saran) for which a N.O.C. had been issued by the Circle Officer on 13.02.2023. On 29.07.2023, when the informant sent Raju Singh to the site, the accused persons demanded a ransom of Rs. 1 lakh from him. Upon being informed, the informant visited the site, where the accused abused him using caste-based slurs, stopped the construction work and stole 15 packets of cement, 20 iron grills and an iron gate. Additionally, appellant, Anwar Ansari installed a board of this tent house on the disputed land.

5. Learned counsel for the appellants submits that the appellants have clean antecedent and they have falsely been implicated in the present case. From a bare perusal of the F.I.R., it appears that the date of occurrence as alleged in the F.I.R. is 29.07.2023 and 30.07.2023 but the present F.I.R. has been instituted on 02.08.2023 i.e. after delay of about three days without giving any explanation of delay, apart from that, it appears from the F.I.R. that there is no specific allegation attributed against



these appellants. In fact the allegation against the appellants as alleged in the F.I.R. is false and fabricated and the appellants are owner of the land in question and they have purchased the land in question in the year 1993 through registered deed and no offence is made out under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the appellants. Further submits that the appellants have no intention to abuse the informant in any manner.

6. Learned Special Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for 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 Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts, there is no specific allegation of demand of ransom against these appellants although appellants are owner of the land in question and appellants have clean antecedents, 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) with two surities of the like



amount each to the satisfaction of learned SC/ST Exclusive Special Judge, Chapra, Saran in connection with Garkha P.S. Case No. 472 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. 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 bond shall be cancelled by the Court below.

ii. If the appellants tamper 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 appellants and in case at any stage it is found that the appellants have concealed their 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.



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

(Rajesh Kumar Verma, J)

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