

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.93 of 2024

Arising Out of PS. Case No.-71 Year-2020 Thana- ROSHANGANJ District- Gaya

1. Khaiber Ansari @ Khayber Ali Son of Md Zamiruddin Ansari Resident of village - Lemboiya, P.S.- Raushanganj, District - Gaya
2. Ashraf Ansari @ Asaraf Ansari Son of Faruk Ansari Resident of village - Lemboiya, P.S.- Raushanganj, District - Gaya
3. Golden Ansari @ Md Hanzla Ansari Son of Md Reyaz Ansari Resident of village - Lemboiya, P.S.- Raushanganj, District - Gaya
4. Sonu Ansari @ Md Dilshad Ansari Son of Md Shahzad Ansari Resident of village - Lemboiya, P.S.- Raushanganj, District - Gaya
5. Firdos Ansari Son of Habib Ansari Resident of village - Lemboiya, P.S.- Raushanganj, District - Gaya
6. Jamshed Ansari Son of Shahzad Ansari Resident of village - Lemboiya, P.S.- Raushanganj, District - Gaya
7. Md. Asghar Ansari @ Asghar Ansari Son of Md Farooque Ansari Resident of village - Lemboiya, P.S.- Raushanganj, District - Gaya
8. Ali Raza @ Ali Raja Faiz Son of Moin Ali Resident of village - Lemboiya, P.S.- Raushanganj, District - Gaya
9. Tanveer Ansari Son of Tauhid Ansari Resident of village - Lemboiya, P.S.- Raushanganj, District - Gaya
10. Nadeem Ansari Son of Mumtaz Ansari Resident of village - Lemboiya, P.S.- Raushanganj, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Uday Choudhary @ Uday Kumar Uday Choudhri Son of Satendra Choudhary Resident of vill.- Lemboiya, P.S.- Raushanganj, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Murad Ashraf, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 20-11-2025 Despite valid service of notice, none appears on behalf of the respondent no. 2.

2. Heard learned counsel for the appellants and the



State.

3. This appeal has been filed against the order dated 29.11.2023 passed by learned Exclusive Special Judge, SC/ST Spl Court, Gaya in ABP No. 389 of 2023 arising out of Raushanganj P.S. Case No. 71 of 2020 registered under Sections 147, 148, 149, 341, 323, 307, 504 of the Indian Penal Code and Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. As per F.I.R., 17 named accused persons including these appellants assaulted and abused informant by caste name.

5. Learned counsel for the appellants submits that due to petty dispute, altercation took place between the parties in which both sides sustained injuries. Case and counter case. Allegation of assault is general and omnibus. No specific allegation of any overt act against the appellants. Insult was not caused to the informant solely on the basis of caste as such, no case under SC/ST Act is made out against the appellants. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the aforesaid facts, let the appellants,



as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Spl Court, Gaya in ABP No. 389 of 2023 arising out of Raushanganj P.S. Case No. 71 of 2020.

8. Accordingly, this criminal appeal is allowed and impugned order dated 29.11.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

Navya/-

U		T	
---	--	---	--

