

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.699 of 2024

Arising Out of PS. Case No.-288 Year-2023 Thana- SONO District- Jamui

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1. Sahnawaz Ansari Son Of Md. Sabir Ansari Resident Of Village- Paira, Ps- Sono, Dist- Jamui
 2. Jamal Ansari @ Jamal Mian Son Of Mohammad Mian Resident Of Village- Paira, Ps- Sono, Dist- Jamui

... .. Appellant/s

Versus

1. The State of Bihar
2. Nand Kishor Das Son Of Sheonarayan Das Resident Of Village- Paira, Ps- Sono, Dist- Jamui

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pankaj Kumar Sinha, Adv.
For the Respondent/s : Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 03-04-2026 1. Heard learned counsel for the appellants and the learned Special Public Prosecutor for the State.

2. Learned counsel for the appellants submits that from perusal of the office report dated 13.03,2026, it would manifest that the ordinary notice has been received by the father of the respondent no.2. Since notice has been received by the father of the respondent no.2, hence it is deemed to be validly served.

3. Learned counsel for the appellants submits that there is a delay of 26 days in filing the appeal, for which, I.A. No.1 of 2024 has been filed seeking condonation of delay in



filing the appeal.

4. In view of the grounds taken in the Limitation Petition, the I.A. No.1 of 2024 is allowed, hence delay in filing the appeal is condoned.

5. The appellants have challenged the order dated 03.10.2023 passed by the learned Additional Sessions Judge-1-cum-Special Judge, SC/ST Act, Jamui in connection with Sono P. S. Case No.288 of 2023, instituted for the offences under Sections 448, 341, 323, 337, 354, 379, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s), 3(2)(Va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby his prayer for grant of anticipatory bail has been rejected.

6. The learned counsel appearing on behalf of the appellants submits that appellants are the persons with clean antecedent and the informant alleges that he was working as a mason for twelve days at the house of Riyaz, but payment was not made, hence he stopped the work, thus Riyaz on 21.08.2023 came to his house and abused by taking caste name, on objection, Riyaz called the named accused persons including the appellants, who came and thereafter abused and assaulted him, further, on orders of Riyaz, Shahanwaj (appellant no.1)



assaulted by rod causing injury on left hand and back while Riyaz along with Saddam, Nawab and Jamlu assaulted his mother and Riyaz snatched his sister's mobile while accused also assaulted his brother.

7. The learned counsel appearing on behalf of the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of abuse and assault is general and omnibus in nature. It is next submitted that no doubt it is alleged that on orders of Riyaz, the appellant no.1 assaulted the informant by rod causing injury on left hand but then the said allegation is exaggerated. It is also submitted that it does not appear probable that on such a trivial issue Riyaz would have called so many accused for committing the occurrence. It is also submitted that even presuming what has been alleged is true without admitting, then the entire occurrence took place at the house of the informant and thus was not in public view nor the injury report is on record. It is also submitted that this perhaps explains why the informant despite receiving notice chooses not to appear and contest. It is also submitted that no specific allegation of assault is alleged against the appellant no.2.



8. The learned Special P. P. opposes the anticipatory bail application.

9. Regard being had to the aforesaid submissions, the order impugned is set-aside.

10. The appeal stands allowed.

11. The appellants, above-named, in the event of their arrest or surrender within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1-cum-Special Judge, SC/ST Act, Jamui in connection with Sono P. S. Case No.288 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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