

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4154 of 2025

Arising Out of PS. Case No.-198 Year-2024 Thana- RAJPUR District- Rohtas

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1. Nusrat Jahan Wife of Jakir Hussain R/o Village - Mangarwaliya, P.S. - Rajpur, Dist. - Rohtas at Sasaram.
 2. Bholu Ansar @ Bholu Ansari @ Arbaj Ansari @ Md. Arbaj Ansari @ Md. Arbaj Ahmad Son of Jakir Hussain @ Jakir Ansari R/o Village - Mangarwaliya, P.S. - Rajpur, Dist. - Rohtas at Sasaram.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sudarshan Kumar Chaudhary Son of Babulal Chaudhary R/o Village - Ganauri Bigaha, P.S. - Kachhwan, Dist. - Rohtas at Sasaram.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chhote Lal Mishra, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 23-02-2026 Heard learned counsel for the appellants, learned counsel for respondent no.2 and the learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 12.09.2025 passed by the learned Special Court SC/ST, Rohtas at Sasaram in connection with Rajpur P.S. Case No.198 of 2024 instituted for the offences under Sections 126(2), 115(2), 303(2), 352, 3(5) of BNS and under Sections 3(i)(r), 3(i)(s), 3(ii)(va) of SC/ST (POA) Act whereby their prayer for grant of anticipatory bail has been rejected.



3. Prosecution case in brief is that, According to the written application of informant Sudarshan Kumar Chaudhary, the prosecution statement in brief is as follows that on 09.12.2024 at 11.35 am informant had gone to work in the Gram Panchayat, in which for the house inspection work where Ayub's house is being built, at Mangarwalia, Bholu Ansari and Arbaaz Ansari started misbehaving with him. Bholu Ansari attacked him and snatched his motorcycle, mobile, 5000 rupees and government documents and tore them and said that they will tie you to a tree and beat you, no one will say anything. Somehow he called the Mukhiya ji and abused him too.

4. Learned counsel for the appellants submits that appellants are innocent and has falsely been implicated in this case and they have no criminal history. Learned counsel for the appellants further submits that from the allegations levelled in the FIR, it appears that the incident occurs at the time of inspection of the ongoing construction of the residents of one person, manifestly not in public view. Further submits that there is general allegation that abuses on caste line were hurled without specifying as to the exact nature of the abuses and the other allegations of snatching motorcycle and five thousand rupees etc., those are not serious in nature.



5. Learned Special Public Prosecutor for the State as well as learned counsel for respondent no.2 has vehemently opposed the prayer for bail of the appellants based upon the allegation made in the F.I.R.

6. From the allegations levelled in the FIR, it appears that the incident occurred at the time of inspection of the ongoing construction of the house of one person by the name of Ayub, manifestly not in public view. Further, there is a general allegation that abuses on caste line were hurled without specifying as to the exact nature of the abuses. The other allegations of snatching motorcycle and five thousand rupees etc. is concerned, those are not serious so as to warrant the appellants to be arrested.

7. Considering all these aspect of the matter, the appellants above named above, in the event of their arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on their furnishing bail bonds in the sum of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Court SC/ST, Rohtas at Sasaram in connection with Rajpur P.S. Case No.198 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



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

(Alok Kumar Sinha, J)

Prakash Narayan

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