

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1798 of 2020

Arising Out of PS. Case No.-36 Year-2020 Thana- SAKATPUR District- Darbhanga

1. SADRUL ANSARI S/o Kasim Ansari Resident of Village-Kathara, P.S.-Sakatpur, District-Darbhangha.
2. Jannat Ansari S/o Eshak Ansari Resident of Village-Kathara, P.S.-Sakatpur, District-Darbhangha.
3. Niyaz Ansari S/o Jamir Ansari Resident of Village-Kathara, P.S.-Sakatpur, District-Darbhangha.
4. Manzer Ansari S/o Khalil Ansari Resident of Village-Kathara, P.S.-Sakatpur, District-Darbhangha.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Durga Nand Jha, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 27-11-2020 Heard learned counsel for the appellants and learned Spl. PP for the State through video conferencing.

The instant appeal has been preferred by the appellants against the order dated 8.7.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Darbhanga whereby the prayer for bail of the appellants in connection with Sakatpur P.S. Case no. 36 of 2020 registered under section 307 and other sections of the Indian Penal Code and section 3(1)(s) of the SC/ST(POA) Act, was rejected.

As per allegation in the FIR, It is stated that the accused persons went to the agricultural land of the informant. Hira Ansari started to abuse the informant and on the informant protesting it is stated that Mustafa Ansari



struck with a lathi on his head causing injury. It is further stated that 19 other named accused persons including the four appellants herein started to assault with lathi, danda box etc.

It is submitted by learned counsel for the appellants that the allegations as levelled in the FIR are false and concocted. Even accepting the allegation made therein for the sake of argument, it is submitted that from perusal of the order of learned Court below rejecting the prayer for bail of the appellants, it would transpire that the lacerated wound found on the forehead has been opined to be grievous in nature and the same is directly attributable to Mustafa Ansari and not the appellants herein who at best can be said to be member of the mob. The other injuries have been stated to be simple in nature and the appellants who have no criminal antecedent are in custody since 14.6.2020.

The appeal is opposed by learned Spl. PP appearing for the State who submits that not only the appellants are named in the FIR but there is direct allegation against them.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the appellants together with the appellants being in custody since 14.6.2020, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 8.7.2020 passed in SC/ST GR No. 110 of 2020 (Sakatpur P.S Case No. 36 of 2020) by the learned 1st Additional Sessions Judge-cum-Special Judge, Darbhanga is set aside.



The appellants are directed to be enlarged on bail in connection with Sakatpur P.S. Case no. 36 of 2020 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge -cum-Special Judge, SC/ST Act, Darbhanga.

Prakash/-

(Partha Sarthy, J)

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