

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2723 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -SC/ST District- JEHANABAD

=====

1. Jai Shankar Mishra, Son of Late Charitra Mishra,
2. Suresh Mishra @ Suresh Kumar Mishra, Son of Jai Shankar Mishra, Both
are R/o Village- Belkhara, P.S.- Shaher Telpa (O.P.), District- Arwal.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Manish Kumar No-2

For the Respondent/s : Mr. Sri Sadanand Paswan

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 27-11-2017 Heard the learned counsels for the appellants as well
as the State.

The appellants have challenged the order dated 17.07.2017 passed by the learned Additional Sessions Judge I, Jehanabad in connection with Arwal SC/ST P.S. Case No. 12/2017 instituted for the offences under Sections 341, 323, 504 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act, 2015, whereby their prayer for being released on bail, in anticipation of arrest, has been rejected.

The appellants are alleged to have assaulted the informant and abused him by taking his caste name.

Mr. Manish Kumar, learned counsel for the appellants has drawn the attention of this Court to the F.I.R. which



has been lodged after 15 days of occurrence. The appellants, it has been argued, have been made accused on account of land dispute when actually no offence has taken place.

The offences under the SC/ST Act do not appear to have been made out and has been added only to add colour and gravity to the case.

For the reasons, stated above, the order dated 17.07.2017 is set aside.

The appellants are directed to be released on bail, in the event of their arrest or surrender on their furnishing bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I, Jehanabad in connection with Arwal SC/ST P.S. Case No. 12/2017.

(Ashutosh Kumar, J.)

Rakhi

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

