

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1402 of 2019**

Arising Out of PS. Case No.-139 Year-2013 Thana- CHAKAI District- Jamui

Mishri Ravidas @ Mishri Das @ Moti Gauswami S/o Late Nirmal Ravidas @
Dara @ Degan Gauswami R/o village- Harwapahari, P.S.- Sono, District-
Jamui

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Kumar Sinha

For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

7 11-09-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail
vide order dated 01.11.2018 passed by learned 1st Addl. District
& Sessions Judge, Jamui in Chakai P.S. Case No. 139 of 2013
registered under Sections 467, 468, 471, 419, 420, 120-B, 504,
323, 354 of the Indian Penal Code and Section 3(1)(x)(xi) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Bhaisur of the informant, namely, Mishri Ravidas
went missing in the year 1968. However, in the year 2001, one



Sadhu came at the door of the informant to whom her father-in-law related about missing of her Bhaisur. Whereupon, he divulged to know her Bhaisur Mishri Ravidas. After some days, the said Sadhu came with a person and handed him over her father-in-law claiming that he is his missing son Mishri Ravidas. Thereafter, said person lived in the house for years claiming himself to be Mishri Ravidas. He was also married. But, in the August, 2013, on getting knowledge of about vending some valuable land by said person, informant inquired about the matter and learnt that the said person is not Mishri Ravidas rather is Moti Gauswami and when the informant approached him at his house, he abused her and tore her attire.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case. He happens to be son of Late Nirmal Ravidas (father-in-law of the informant) and his name is also reflected in the Aadhar Card but the informant setting up a false, frivolous, fictitious and unacceptable story, has lodged this case against him due to property dispute. There is case and counter case between the parties. Moreover, it is not acceptable that a stranger claiming himself to be a son of family will stay in the house for years as claimed by the informant.



Slating the informant in the name of her caste by the appellant is said to have been made inside the house of the appellant and not in the public view, hence, no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. District & Sessions Judge, Jamui in connection with Chakai P.S. Case No. 139 of 2013, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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