

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2543 of 2019

Arising Out of PS. Case No.-53 Year-2019 Thana- PANCHRUKHI District- Siwan

-
1. Ashok Mishra @ A.K. Mishra Son of Sri Brahma Mishra Resident of Village- Matuk Chapra, P.S.- Sarai, O.P. District- Siwan
 2. Shekha Devi @ Chandra Shekha Devi @ Chandra Wife of Ashok Mishra Resident of Village- Matuk Chapra, P.S.- Sarai, O.P. District- Siwan
 3. Sandeep Mishra @ Sandeep Son of Ashok Mishra Resident of Village- Matuk Chapra, P.S.- Sarai, O.P. District- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Yugul Manjhi Son of Jeeta Manjhi Resident of Village- Matuk Chapra, P.S.- Sarai, O.P.- District- Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kundan Kumar
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 24-07-2019 Heard learned counsel for the appellants 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 15.05.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Siwan in Panchrukhi (Sarai O.P.) P.S. Case No. 53 of 2019 registered under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(1)(r), 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Over altercation taking place among the family of the informant, appellants Ashok Mishra and Shekha Devi started slating the informant and his family members descending at his house and on forbading them, they slapped him. When his wife rushed in his rescue, they also slapped her and when the informant rushed in her rescue, appellant Ashok Mishra assaulted him by means of brick bat while Sandeep Mishra assaulted his wife by means of danda. They have also forcibly grabbed his land.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, the appellant Ashok Mishra has lodged Complaint Case No. 235/2019 against the informant and others on 01.02.2019 and in order to save his skin from the said case, the informant has lodged this false and frivolous case against the appellants after inordinate delay of more than one month without assigning any plausible explanation for the same. There is no apparent injury on the person of the victims. There is no allegation of slating the informant and his family members in the specific name of their caste against the appellants. They have no criminal antecedent.

Per contra, learned Spl. P.P. for the State opposing



the bail prayer of the appellants submitted that the informant happens to be Member of the Scheduled Caste community and the appellants have slated and assaulted him and his family members, hence, they do not deserve bail.

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, Siwan in connection with Panchrukhi (Sarai O.P.) P.S. Case No. 53 of 2019, 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)

rohit/-

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

