

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2691 of 2019

Arising Out of PS. Case No.-92 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. LALIT MISHRA Son of Rama Shanker Mishra Resident of Village- Rajpur Jaunapur, P.S- Patory (Mohanpur O.P), District- Samastipur.
 2. Mohan Mishra Son of Rama Shanker Mishra Resident of Village-Rajpur Jaunapur, P.S-Patory (Mohanpur O.P), District-Samastipur.
 3. Jhunjhun Mishra @ Doctor Mishra Son of Rama Shanker Mishra Resident of Village-Rajpur Jaunapur, P.S-Patory (Mohanpur O.P), District-Samastipur.
 4. Ramshanker Mishra Son of Late Kamta Mishra Resident of Village-Rajpur Jaunapur, P.S-Patory (Mohanpur O.P), District-Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Pravesh Paswan Son of Late Sogarath Paswan Resident of Village - Rajpur, Jaunapur, P.S.- Patory (Mohanpur O.P.), District - Samastipur,Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 26-08-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 01.05.2019 passed by learned 1st Addl. Sessions Judge, Samastipur in Complaint Case No. 92 of 2017 registered under Sections 323 and 379 of the Indian Penal Code and Section 3(1)(r)(s)/3(2)(va) of the SC/ST Act.



Appellant no.1 Lalit Mishra happens to be contractor of the Electricity department and on the request of appellant no.1 complainant had managed labourer for him and complainant and other labourers worked for him for 55 days but appellant no.1 gave only diet charge to them and on demand of money by them, appellants descending at the door of the complainant slapped him and slated him in the name of his caste and appellant no.2 pressed his neck by means of gamchha.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to animosity. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Slating the complainant in the name of his caste is said to have been made at the house of the complainant and not in public view, hence no offence under SC/ST Act is made out against the appellants. Complainant has not sustained any injury in the occurrence. There is inordinate and abnormal delay of 9 days in lodging the complaint petition without assigning any plausible explanation for the same which creates serious doubt about the prosecution case. Complainant has also given a petition regarding the same occurrence at the P.S. and after investigation of the case police has found the case



false. Appellants have no criminal antecedent.

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

Having regard to 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 the learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Samastipur in connection with Complaint Case No. 92 of 2017, 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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