

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2761 of 2019**

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

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1. BINDU DEVI Wife of Ravindra Nath Mishra Resident of Village- Shivrajpur, P.S.- Nautan, District- West Champaran.
 2. Ravindra Nath Mishra @ Ravindra Mishra Son of Bindeshwari Mishra Resident of village- Shivrajpur, P.S.- Nautan, District- West Champaran.
 3. Bindeshwari Mishra Son of Bidyarthi Mishra Resident of village- Shivrajpur, P.S.- Nautan, District- West Champaran.
 4. Pankaj Kumar Mishra @ Guddu Mishra Son of Ravindra Nath Mishra Resident of village- Shivrajpur, P.S.- Nautan, District- West Champaran.
 5. Nanhak Mishra @ Prabhat Kumar Mishra Son of Ravindra Nath Mishra Resident of village- Shivrajpur, P.S.- Nautan, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

4 13-09-2019 Heard learned counsel for the appellants and

learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of bail vide order
dated 15.05.2019 passed by learned 1st Additional Sessions
Judge cum Special Judge, West Champaran at Bettiah in
connection with Bettiah SC/ST P.S. Case No.12 of 2017



registered under Sections 323, 341, 379, 447, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (y) & 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over joining religious discourse by the informant and her husband, the appellants slated them in the name of caste extending threatening of dire consequence and on protest made by the informant, Bindeshwari Mishra assaulted her by means of sleeper and when her husband rushed in her rescue, all the accused persons assaulted him. They tore her attire and snatched her golden mangalsutra. Appellant Pankaj Kumar Mishra @ Guddu Mishra extended threatening to gun them down whipping out the pistol.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case merely because they have raised objection over encroachment of their land by the informant which is located adjacent to the house of the informant. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. Witnesses have not stated



about slating the informant and her husband in the name of caste by the appellants. There is inordinate delay of five days in lodging the F.I.R. without assigning any plausible explanation for the same.

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

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, West Champaran at Bettiah in connection with Bettiah SC/ST P.S. Case No.12 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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