

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2900 of 2019**

Arising Out of PS. Case No.-43 Year-2019 Thana- KIUL District- Lakhisarai

=====

Bambam Mistry Son of Shankar Mistry @ Shankar Sharma Resident of
Village - Gohri, Sharma Tola, P.S.- Chanan, District- Lakhisarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Mayank Bilochan
For the Respondent/s : Mr. Sadanand Paswan

=====

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

ORAL ORDER

3 13-08-2019 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 14.06.2019 passed by learned 1st Addl. District
& Sessions Judge cum Special Judge, Lakhisarai in Kiul P.S.
Case No. 43 of 2019 registered under Sections 147, 148, 149,
341, 323, 324, 307, 353, 332, 504, 506 of the Indian Penal Code
and Sections 3(i)(r)(s), 3(2)va of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

28 named accused persons including the appellant
and 150 unknown miscreants are said to have assaulted the



informant and police personnel by means of brick-bat etc. and made two of them injured on apprehension of illegal sand laden truck by them. They slated the informant in the name of his caste and also extricated the aforesaid truck from their custody.

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 due to dirty village politics. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Utmost, the appellant happens to be member of the mob. There is no allegation of slating the informant in the specific name of his caste and moreover there were around 178 persons present at the place of occurrence and the informant has not stated as to who slated him in the name of his caste. 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 cum Special Judge, Lakhisarai in connection with Kiul P.S. Case No. 43 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	
---	--	---	--

