

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3071 of 2019

Arising Out of PS. Case No.-61 Year-2017 Thana- SC/ST District- Samastipur

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1. ANIL KUMAR MISHRA @ ANIL MISHRA Son of Late Ram Bilas Mishra Resident of Khanpur, P.S.- Khanpur, Distt.- Samastipur.
 2. Gulab Devi Wife of Anil Kumar Mishra @ Anil Mishra Resident of Khanpur, P.S.- Khanpur, Distt - Samastipur.
 3. Suresh Mahto Son of Bhaglu Mahto Resident of Khanpur, P.S.- Khanpur, Distt - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sanjit Paswan S/O Hare Krishna Paswan Resident of Village-Haripur, PO-Vishanpur Abhi,P.S.-Khanpur, Dist-Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhay Shankar Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 13-12-2019 Heard the parties.

By way of this memo of appeal, preferred under Section 14(A) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellants seek for setting aside the order dated 24.6.2019 passed Samastipur SC/ST P.S.Case No.61 of 2017 in for the offences punishable under Sections 323, 341, 504, 506/34 of the Indian Penal Code and Section 3(1)(r), 3(1)(s) and 3(2) (va) of SC/ST Act by the learned 1st Addl. Sessions Judge, Samastipur whereby and where-under, the appellants' application for grant of anticipatory



bail has been rejected.

As per FIR, it appears that informant is the tenant in the house of the appellant no.1 and the appellant no.2 is the wife of the appellant no.1 and it further appears that the appellants have put a lock in the shop of the informant and committed theft of several articles of several lacs and also taken away Rs.1.50 lac from his cash box and when he went to enquire about the same he was abused by taking caste name and assaulted also.

Submission of the learned Cornelius for the appellants is that FIR does not show that any abuse or assault was made in the public view, moreover, earlier the appellants had filed a complaint case against the informant and a rent case is also going on later on the informant has given a cheque for rent dues and that cheque has also bounced, as such he has filed another case under N.I. Act., in which the informant has come before this Court and assured to deposit the amount in seven installment, which will appear from Annexure 5 (page 31) but he has not paid single installment .

In this case earlier the notice was issued to the respondent no.2 and it appears that wife of the respondent no.2 has received the notice but no one appears on behalf of the



respondent no.2.

Heard learned Special P.P.

Having heard both sides and considering the submission as made above, this appeal is allowed and the impugned order is set aside, let the appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Samastipur in connection with Samastipur SC/ST P.S.Case No.61 of 2017, subject to condition as laid down under Section 438 of Cr.P.C.

(Vinod Kumar Sinha, J)

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