

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3619 of 2019**

Arising Out of PS. Case No.-41 Year-2017 Thana- AMBA District- Aurangabad

1. Anil Kumar Mishra @ Anil Mishra Son of Late Ram Narayan Mishra Resident of Village - Chandaut Dongra, P.S.- Amba, Dist.- Arungabad.
2. Bhusan Mishra @ Shashi Bhusan Mishra Son of Late Ram Narayan Mishra Resident of Village - Chandaut Dongra, P.S.- Amba, Dist.- Arungabad.
3. Amit Mishra Son of Anil Mishra Resident of Village - Chandaut Dongra, P.S.- Amba, Dist.- Arungabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Praveen Kumar, Advocate
For the Respondent/s : Mr. Usha Kumari 1, A.P.P.

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER**

5 29-11-2019

I.A. No. 1 of 2019

For the reasons stated in the present I.A. application,
the delay in filing present appeal stands condoned.

Cr.App. No. 3619 of 2019

Heard learned counsel for the appellants and learned
counsel for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the order dated 01.04.2019 passed in Amba P.S.
Case No. 41 of 2017, registered under Sections 341, 323, 379,
504, 506/34 of the Indian Penal Code and Section 3(1)(r), 3(1)
(s), 3(2)(va) of Schedule Caste/ Schedule Tribe (Prevention of



Atrocities) Act 1989, whereby and whereunder learned Additional Sessions Judge Aurangabad cum Special Judge SC/ST Aurangabad has rejected the anticipatory bail application of appellants.

Learned counsel for the appellants submits that on account of false and frivolous allegation, the appellants are apprehending their arrest in connection with Amba P.S. Case No. 41 of 2017.

Learned counsel for the appellants further submits that only because there was some dispute between the parties as the Appellant No. 1 had lodged an FIR on informant and other persons vide Amba P.S. Case No. 87 of 2017 dated 03.07.2017 under Sections 279, 337, 338, 308, 427 of Indian Penal Code, the informant has filed the present petition on 22.08.2017 making false and frivolous charges but, subsequently, the matter was also compromised.

It is further submitted that the informant himself is a anti-social element and has been harrassing the family of the appellant. It is submitted that vide Annexure 4, the Appellant No. 1 has approached the District Magistrate to lodge an FIR against the informant and only to wreak vengeance, the present case has been filed against the appellant.



Having considered the entire facts and circumstances of the case, and the nature of dispute between the parties, let the appellants, above named, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each, with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Aurangabad in connection with Amba P.S. Case No. 41 of 2017, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

With the aforesaid, the present appeal stands allowed and consigned to records.

(Anjana Mishra, J)

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