

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4237 of 2019

Arising Out of PS. Case No.-88 Year-2014 Thana- SC/ST District- Bhojpur

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Sidh Nath Mishra Son of Late Nand Kishor Mishra Resident of Village -
Dhanauth, P.S.- Char Pokhari, Dist.- Bhojpur (Ara).

... .. Appellant/s

Versus

1. The State Of Bihar
2. Jitendra Ram @ Jitendra Prasad Son of Bali Ram Resident of Village -
Jamuaon, P.S.- Piro, Dist.- Bhojpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Aditya Nath Pandey
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

5 20-11-2019 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 14.08.2019 passed by learned 1st Addl. Sessions
Judge, Bhojpur (Ara) in SC/ST P.S. Case No. 88 of 2014
registered under Sections 341, 323, 379, 406, 504, 506/34 of the
Indian Penal Code and Section 3(i)(viii)(x) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant had given Rs. 20,000/- to the accused
Janardan Prasad and Laxmi Devi on the occasion of marriage of



their son, and on claiming back his money, they always averted his payment, and lastly, on claiming money by the informant, aforesaid two accused persons along with appellant slated him in the name of his caste. Co-accused Janardan Prasad assaulted him by means of slipper and accused Laxmi Devi snatched cash of Rs. 2000/- from his pocket.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has not taken any money from the informant. He has been falsely implicated in this case merely because he had intervened the brawl between the informant and other accused persons on the road. There is no allegation of any assault against the appellant. There has been inordinate and abnormal delay of 23 days in filing the compliant petition without assigning any plausible explanation for the said delay, which creates serious doubt about the prosecution case. Appellant has no criminal antecedent. Co-accused Janardan Prasad and Laxmi Devi have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 08.07.2015 passed in Cr. Misc. No. 21760 of 2015.

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. Sessions Judge, Bhojpur (Ara) in SC/ST P.S. Case No. 88 of 2014, 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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