

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4291 of 2019

Arising Out of PS. Case No.-380 Year-2019 Thana- BARACHATTI District- Gaya

-
1. SHIMPU KUMARI Daughter of Bishu Mistry @ Bishu Mistri Resident of Village- Gajragarh, P.S.- Barachatti, District- Gaya.
 2. Sunaina Devi W/o- Bishu Mistry @ Bishu Mistri Resident of Village- Gajragarh, P.S.- Barachatti, District- Gaya.
 3. Bishu Mistry @ Bishu Mistri Son of Late Jago Mistry Resident of Village- Gajragarh, P.S.- Barachatti, District- Gaya.
 4. Sunil Kumar Son of Bishu Mistry @ Bishu Mistri Resident of Village- Gajragarh, P.S.- Barachatti, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 16-10-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 07.09.2019 passed by learned Exclusive Special Judge, SC/ST, Gaya in Barachatti P.S. Case No. 380 of 2019 registered under Sections 341, 342, 323, 379, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

Appellants took the informant at their house and thrashing him locked in the house. They snatched his cash of



Rs.4000/- and mobile. After thrashing him for sometime they took him at the P.S tying his limbs by plastic rope.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, appellant Shimpu Kumari has lodged Barachatti P.S. Case No. 379 of 2019 against the informant under Section 354 and other allied sections of the IPC preceding to the case under hand and in the said case informant was taken to the P.S. by S.I. and in order to save skin from the said case informant has lodged this false and frivolous case against the appellants. Besides aforesaid case, appellant no.3 has lodged Barachatti P.S. Case No. 190 of 2019 against the informant and others regarding kidnapping of his daughter by the informant. Informant has not sustained any injury in the occurrence. The allegation levelled against the appellants is not specific rather general and omnibus in nature.

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

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in connection with Barachatti P.S. Case No. 380 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)

mantreshwar/-

U		T	
---	--	---	--

