

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5121 of 2019**

Arising Out of PS. Case No.-827 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Niraj Kumar Mishra @ Niraj Kumar Son of Kishor Mishra @ Kishor Kumar
Mishra, Resident of Village - J.P. Pandey Lane, Near Sarda Cinema Naya
Bazar, Jogsar, P.S.- Kotwali Jogsar, Distt - Bhagalpur.

... .. Appellant

Versus

The State of Bihar.

... .. Respondent

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Appearance :

For the Appellant/s : Mr.Dhananjay Kumar Gupta, Advocate
For the Respondent/s : Mr.Binay Krishna, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 25-11-2019 Heard learned counsel for the appellant and learned
A.P.P. for the State.

Appellant, in the present appeal, is challenging the
order dated 23.10.2019 passed in A.B.P. No. 2286 of 2019
arising out of Kotwali (Jogsar) P.S. Case No. 827 of 2019
registered under Sections 341, 323, 379, 504, 506, 34 of the
Indian Penal Code and 3(1)(r)(s) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

By the impugned order the prayer for anticipatory bail
of the appellant has been rejected by the learned 3rd Additional
District-cum-Sessions Judge, SC/ST Act, Bhagalpur.

Learned counsel for the appellant submits that the
appellant is innocent and has falsely been implicated in the



present case due to local party politics. The allegation against the appellant is general and omnibus and not specific against the appellant. Learned counsel further submits that the appellant has not caught on the spot and nothing has been recovered from his conscious possession and offences under Atrocities Act 3(i)(r)(s) of SC/ST Act has not been attracted and the same has been added to take entire gratification.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case, where it appears that so far as this appellant is concerned, there is no prima-facie material to connect him with a case under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act at this stage and further that the allegations of abuse, assault and snatching of chain are in the nature of super addition without there being specific allegation against this appellant, the impugned order dated 23.10.2019 passed by learned 3rd Additional District-cum-Sessions Judge, SC/ST Act, Bhagalpur in A.B.P. No. 2286 of 2019 is hereby set aside, in the event of his arrest or surrender within a period of four weeks from today, let the appellant above named be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of



learned Special Judge SC/ST Act, Bhagalpur in connection with
Kotwali (Jogsar) P.S. Case No. 827 of 2019, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C. i.e. :

(i) a condition that the person shall make himself
available for interrogation by a police officer as and when
required;

(ii) a condition that the person shall not, directly or
indirectly, make any inducement, threat or promise to any person
acquainted with the facts of the case so as to dissuade him from
disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India
without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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