

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1316 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- ISHAKCHAK District- Bhagalpur

1. SONU KUMAR MISHRA @ SONU LAL MISHRA @ SONU MISHRA
2. Monu Kumar Mishra @ Monu Mishra @ Monu Lal Mishra
All Sons of Sri Naresh Mohan Mishra Resident of Muhalla- Ishakchak, P.S.-
Ishakchak, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Diwakar Upadhyaya, Adv

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 19-08-2020 The matter has been taken up through video conferencing.

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 20.02.2020 in A.B.P. No.477 of 2020 arising out of Ishakchak P.S.Case No.11 of 2020 passed by the learned 3rd A.D.J.-cum-Special Judge SC/ST, Bhagalpur registered under Sections 341,323,504,506,427,379,384,327/34 of the Indian Penal Code and Sections 3(1)(r),3(2)(Va) of the Scheduled Castes and Scheduled Tribes Act.

A civil suit bearing Title Suit No.39 of 2020 is going on between the appellants as plaintiffs and some others.



The case of the prosecution in the FIR is that the informant had purchased a piece of land from Mahesh Ram and Mahesh Ram had purchased the same from father of the appellants. Claim of the appellants is that since they were minor at the time of transfer, however, their inheritable right was already there which could not have been transferred by the father.

In the aforesaid background, allegation is that the appellants stopped the informant from working on the said field. The entire FIR does not reveal that any occurrence took place for the reason that the informant was a member of the scheduled caste rather whatever is alleged was result of land dispute.

Since prima facie, no offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the appellants shall fully cooperate with



the investigation/trial of the case and also the appellants shall not leave the country without permission of the learned Trial Court, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

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