

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1598 of 2020

Arising Out of PS. Case No.-31 Year-2019 Thana- SC/ST District- Kaimur (Bhabua)

1. SATYA NARAYAN MISHRA @ SATYA NARAYAN MISHR, S/o Late Mathura Mishra @ Mathura Mishr Resident of Village-Dulhapur, P.S.-Bhagwanpur, District-Kaimur (Bhabua).
2. Brindavan Mishra @ Vrindavan @ Nachak Mishra @ Vrindavan Mishr @ Nachak Mishr, S/o Late Ramnath Mishra Resident of Village-Dulhapur, P.S.-Bhagwanpur, District-Kaimur (Bhabua).
3. Satyendra @ Satendra Kumar Mishra @ Ampu Mishra @ Satendra Mishr S/o Brindavan Mishra @ Vrindavan @ Nachak Mishra @ Vrindavan Mishr @ Nachak Mishr Resident of Village-Dulhapur, P.S.-Bhagwanpur, District-Kaimur (Bhabua).
4. Ashok Mishra @ Ashok Mishr S/o Brindavan Mishra @ Vrindavan @ Nachak Mishra @ Vrindavan Mishr @ Nachak Mishr Resident of Village-Dulhapur, P.S.-Bhagwanpur, District-Kaimur (Bhabua).
5. Durga Datt Mishra @ Durga Mishra @ Durga Datt Mishr @ Durga Mishr S/o Late Mathura Mishra @ Mathura Mishr Resident of Village-Dulhapur, P.S.-Bhagwanpur, District-Kaimur (Bhabua).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kumar Sunil
For the Respondent/s : Ms. Usha Kumari

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 02-11-2020 Heard Mr. Kumar Sunil, learned counsel for the appellants and Ms. Usha Kumari, learned Special Public Prosecutor for the State.

This is an appeal against the order dated 22.02.2020, passed in Anticipatory Bail Petition No. 168 of 2020 by the learned 1st Additional Sessions Judge –



cum – Special Judge, Kaimur (Bhabua) in connection with SC/ST (Bhabua) P. S. Case No. 31 of 2019, instituted for the offences under Sections 341, 323, 354, 504 and 34 of the Indian Penal Code and Section 3 (1) (r) (s) (w) / 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail has been rejected

The appellants are alleged to have abused the wife of the informant by taking her caste name.

The learned counsel for the appellant has submitted that the informant and the appellants are co-villagers and because of land dispute, this case has been lodged. In fact, the informant has been set up by one Sampooranand Mishra who is the own brother of appellant no. 2 and who is contesting litigation with respect to family property with the appellants.

Apart from this, it has been submitted that the occurrence according to the F.I.R. took place on



06.09.2019 whereas the case was lodged on 12.09.2019 without assigning any reason.

It has also been submitted that there is a civil dispute between the appellants and Sampoonand Mishra relating to partition of joint family property.

It, therefore, appears that the dispute lies somewhere else but this case has been set up in order to gain some advantage to the brother of petitioner no. 2.

Considering the afore-stated facts, the order impugned dated 22.02.2020, passed in Anticipatory Bail Petition No. 168 of 2020 by the learned 1st Additional Sessions Judge – cum – Special Judge, Kaimur (Bhabua) in connection with SC/ST (Bhabua) P. S. Case No. 31 of 2019, instituted for the offences under Sections 341, 323, 354, 504 and 34 of the Indian Penal Code and Section 3 (1) (r) (s) (w) / 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is set aside.

The appellants, above-named, are directed to



be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge – cum – Special Judge, Kaimur (Bhabua), in connection with SC/ST (Bhabua) P. S. Case No. 31 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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