

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1716 of 2020**

Arising Out of PS. Case No.-355 Year-2016 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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PRIYESH ANAND Son of Kaushlendra Kumar Mishra Resident of Village-
Jaminfalwariya, Police Station- Jagdishpur, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Dr. Manoj Kumar, Adv.
For the Respondent/s : Mr. Sadanand Paswan, SPP

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 08-12-2020 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through virtual court
proceedings.

Since the physical court proceeding is non-functional,
due to present pandemic COVID-19, the matter is listed with
defects.

Learned counsel for the appellant undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 16.12.2019 passed by learned 3rd Additional District and Sessions Judge-cum Special Judge, S.C./S.T. Act, Bhagalpur in connection with Kotwali (Sadar) P.S. Case No. 355 of 2016 registered under Sections 143, 323, 504, 506, 427 of the Indian Penal Code and Sections 3 (i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case as lodged by the informant is that as per schedule programme in respect of atrocities on the Dalit of Gujrat, a protest march was held. The information was also given in writing to the D.M. and SDJM. When the protest march reached at station Chowk where Nukkar Sabha was convened, in the meantime members of ABVP having flags in Gerua colour came and started abusing the participants of the protest. The accused persons started abusing one Govardhan Dan and snatched away Mike from him and when other members Ram Pujan Das and Vijay Kumar Das came to save him, they were also abused in the name of Chamar and Dusadh.

It is submitted by learned counsel for the appellant that appellant is innocent, not named in the FIR and has been falsely implicated in this case. He submits that FIR is against



unknown persons and during investigation name of the appellant has come. He submits there is general and omnibus allegation against the appellant. He further submits that appellant bears no criminal antecedent as stated in para-3 of this petition.

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

In the facts and circumstances of the case, the above named appellant in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional District and Sessions Judge-cum Special Judge, SC/ST Act, Bhagalpur in connection with Kotwali P.S. Case No. 355 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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