

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 1702 of 2020

Arising Out of PS. Case No.-51 Year-2020 Thana- PURAINI District- Madhepura

-
1. GYANI MISTRI Son of Nevi Mistri Resident of Village- Makdampur, Ward No. 2, P.S.- Puraini, District- Madhepura.
 2. Lalan Mistri Son of Nevi Mistri Resident of Village- Makdampur, Ward No. 2, P.S.- Puraini, District- Madhepura.
 3. Ranjeet Mistri Son of Nevi Mistri Resident of Village- Makdampur, Ward No. 2, P.S.- Puraini, District- Madhepura.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent.

Appearance :

For the Appellant/s : Mr. Dr. Sanjay Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-12-2020 Heard learned counsel for the appellants 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 appellants 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 15.06.2020 passed by learned 1st Additional Sessions Judge cum Special Judge, Madhepura in connection with Puraini P.S. Case No. 51 of 2020 registered under Sections 341, 323, 354, 379, 324, 325, 504 & 506/34 of the Indian Penal Code and Section 3(1) (s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was constructing 'Tatti' on her land all the appellants are said to have reached there with lathi and danda and started slating her and told that on the land on which the informant was constructing 'Tatti' is of them. When the informant protested then on the order of appellant no.1, rest of the appellants started assaulting her and sustaining injury on her nose she fell down. When her Bhaisur, namely, Pawan Sharma came to her rescue they also slated him and assaulted him. They also taken away Rs.1500 which was her widow pension and threatened for dire consequence in case of lodging any case against them.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics and the land dispute. The allegation of assault levelled against the appellants is not specific rather



general and omnibus in nature. Appellants have not slated the informant in her caste name, hence no offence under SC/ST Act is made out against the appellants. There is case and counter case between the parties. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Madhepura in connection with Puraini P.S. Case No.51 of 2020, SC/ST Case No.36 of 2020, 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)

Trivedi/-

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

