

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1796 of 2020

Arising Out of PS. Case No.-118 Year-2013 Thana- BAGHA District- West Champaran

RAVIKESH MISHRA Son of Late Janardhan Mishra Resident of Village-
Naraipur, Police Station- Bagaha (Patkhauri O.P.), District- West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sachida Nand Rai

For the Respondent/s : Mr. Vinay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the appellant and Shri Vinay Krishna, learned Special P.P. for the State.

This is an appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 03.03.2020 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, District-West Champaran in Anticipatory Bail Petition No. 262 of 2020 arising out of Bagaha Pathkhauri P.S. Case No. 118 of 2013 registered under Sections 147, 149, 341, 323, 379, 384, 427 and 504 of the Indian Penal Code and Section 3(i) (x) of the Scheduled Caste



and Scheduled Tribe (Prevention of Atrocities) Act, whereby and whereunder the prayer of the appellant for grant of anticipatory bail has been refused.

The appellant herein and other accused persons are alleged to have abused the informant by taking his caste name and had also assaulted him.

The learned counsel for the appellant has submitted that the appellant is innocent and he has been falsely implicated in the present case. It is further submitted by the learned counsel for the appellant by referring to the statement of the informant made under Section 164 Cr.P.C. before the learned Magistrate, annexed as Annexure-2 to the present petition that the informant has himself admitted that he was ploughing the field of one Ghanshyam Singh and the said Ghanshyam Singh has forcibly made him file the present case under the Harijan Act, however, no such occurrence has ever taken place.

Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions and taking into account the statement made by the informant under Section 164 Cr.P.C. before the learned Magistrate, I deem it fit and proper to admit



the appellant to the privilege of anticipatory bail.

Accordingly, the appellant, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, District-West Champaran in connection with Trial No. 235 of 2019 arising out of Bagaha Pathkhauri P.S. Case No. 118 of 2013, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 03.03.2020 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, District-West Champaran in Anticipatory Bail Petition No. 262 of 2020 arising out of Bagaha Pathkhauri P.S. Case No. 118 of 2013, is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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