

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.448 of 2020

Arising Out of PS. Case No.-33 Year-2017 Thana- PUPRI District- Sitamarhi

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Saumya Kumar @ Sarthak, Male, aged about 21 years, Son of Sri Krishnachandra Mishra, Resident of Village- Pupri, Nagar Panchayat, Ward No. 7, Circle and P.S.- Janakpur Road, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Arvind Kumar Jha

For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 02-03-2021 The appellant filed second supplementary affidavit stating therein that the father's name of Saumya Kumar @ Sarthak is Krishna Chandra Mishra and not Madho Ram @ Madhu Ram. The police corrected the father's name of the appellant by submitting final form. Copy of the final form is annexed with the second supplementary affidavit.

Let the same be kept on record.

Heard the learned counsel for the appellant and Mr. Sadanand Paswan, the learned Special P.P.

The appellant filed this appeal under Section 14A(2) of the SC/ST Act against the order dated 07.12.2019, passed by the Special Judge, SC/ST Act, Sitamarhi in ABP No.2338 of 2019/219 of 2019, by which the anticipatory bail of the



appellant in Pupri P.S. Case No.33 of 2017 has been rejected.

Learned counsel for the appellant submits that only allegation against the appellant is that the appellant asked the informant that a *panchayati* would be held in *Baniya Toli, Jalan Mandir* and the informant was called by *Mukhiya* and the former *Mukhiya*. Save and except this fact, the informant of the present case did not make any sorts of allegation either of assault or insulting the informant with a view to humiliate him attracting any provisions of the SC/ST Act. The allegation of assault by fists and slaps is made against Bauya Ji Mishra and Siddhartha attacked on the head of the informant by knife. The knife hit on the left eyebrow. Madhoram assaulted Ramrati Devi.

The learned Special P.P did not dispute these facts.

Having considered the submissions of both sides and on perusal of the records, it appears that of course the appellant is named in the FIR but the only allegation against the appellant is that the appellant informed the informant to participate in the *panchayati* to be held in *Baniya Toli, Jalan Mandir* and the *Mukhiya* and former *Mukhiya* asked him to inform the informant and no sorts of allegation either of assault or abusing the informant is made against the appellant.



Having considered the facts aforesaid, I find that the appellant deserves anticipatory bail.

Accordingly, the appeal is allowed. The order dated 07.12.2019, passed by the Special Judge, SC/ST Act, Sitamarhi in ABP No.2338 of 2019/219 of 2019 is set aside.

The appellant, namely, Saumya Kumar @ Sarthak in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Sitamarhi in connection with Pupri P.S. Case No.33 of 2017, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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