

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2043 of 2021

Arising Out of PS. Case No.-198 Year-2020 Thana- ISUAPUR District- Saran

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Mishri Lal Rai, male, aged about 48 years, Son of Late Parma Rai, R/o Village- Belahari, P.S.- Taraiya, Dist.- Saran, At present elected as Panchayat Secretary, Isuapur Block of District - Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Vishesh Kumar Singh, Adv.

For the Respondent/s : Mr. Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 16-07-2021 Heard Mr. Vishesh Kumar Singh, the learned Advocate for the appellant and the learned Special Public Prosecutor for the State.

The appellant has challenged the order dated 18.01.2021 passed by the learned 1st Addl. Sessions Judge-Cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Isuapur P.S. Case No. 198 of 2020, instituted for the offences under Sections 341,



323, 354, 504 and 34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby his prayer for grant of anticipatory bail has been rejected.

The accusation against many accused persons including the appellant is of having abused and misbehaved with the informant by taking his caste name.

It has been submitted on behalf of the appellant that the fact is otherwise. In fact, he is the Panchayat Secretary and has been made accused in this case because the concerned B.D.O. had earlier filed a case against the informant and others for having ransacked his office and misbehaving with him. In that case, the appellant is an eye-witness. It has further been submitted that the instant case is nothing but an action in retaliation to the case lodged by the B.D.O. against the informant and others. Nobody appears to have been injured in the occurrence. It has thus been argued that no offence under the provisions of SC/ST (Prevention of Atrocities) Act can at all be said to have



been made out. In fact, the informant has tried to take advantage of the special legislation to put everybody in disrepute and in difficulty.

Regard being had to the submissions afore-noted, the order dated 18.01.2021, referred to above, is set-aside.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge-Cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Isuapur P.S. Case No. 198 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

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