

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2409 of 2021

Arising Out of PS. Case No.-46 Year-2020 Thana- SC/ST District- Sitamarhi

1. SANJAY MISHRA SON OF LATE RAM ANTAR MISHRA Resident of Village - Janipur, P.S.- Nanpur, Distt.- Sitamarhi.
2. Golu Kumar @ Shivam Kumar Son of Sanjay Mishra Resident of Village - Janipur, P.S.- Nanpur, Distt.- Sitamarhi.
3. Saket kumar @ Saket @ Abhishek Son of Pankaj Mishra Resident of Village - Janipur, P.S.- Nanpur, Distt.- Sitamarhi.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Kumar- Advocate
For the Respondent/s : Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 13-08-2021 Heard Mr. Santosh Kumar, the learned Advocate

for the appellants and Mr. Binay Krishna, the learned

Special Public Prosecutor for the State.

The appellants have challenged the order dated 06.02.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (P.O.A.) Act, Sitamarhi in connection with Sitamarhi SC/ST P. S. Case No.46 of 2020, instituted for the offences under Sections 341, 323, 504, 506/ 34 of the Indian Penal Code and Section 3(1)(r)(s), 3(2) (va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities)



Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The accusation against the appellants is of having assaulted and abused the members of the prosecution party. There is counter-version of the occurrence also.

During the course of investigation, it was found that the appellant no.1 was not even present at the place of occurrence. The injuries suffered by all the victims are stated to be simple in nature. The appellants as well as the informant are residents of the same village. The accusation under the SC/ST (P.O.A.) Act also appears to be highly exaggerated.

Regard being had to the aforesaid submissions, the order dated 06.02.2021 is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties



of the like amount each to the satisfaction of learned 1st
Additional Sessions Judge-cum-Special Judge SC/ST
(P.O.A.) Act, Sitamarhi in connection with Sitamarhi SC/ST
P. S. Case No.46 of 2020, subject to the conditions laid
down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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