

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1150 of 2020**

Arising Out of PS. Case No.-7 Year-2020 Thana- SC/ST District- Banka

DURGESH MISHRA, Male, aged about 38 years, Son of Shri Purshottam Mishra, Resident of Village - Kharahara, P.S.- Barahat, Distt - Banka.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

**Appearance :**

For the Appellant : Mr.Baidya Nath Thakur, Advocate.  
For the Respondent : Mr.Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      22-02-2021              Learned counsel for the appellant is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the parties.

The matter relates to grant of anticipatory bail to the appellant in connection with A.B.P. No. 316/2020, arising out of Banka Mahila P.S. Case No. 07/2020, registered for the offences under Sections 341, 323, 384/34 of the I.P.C. and 3 (1)(r)(s) of the SC/ST Act.

The prosecution case, in short, is that on 11.02.2020, the informant being a junior Electrical Engineer came out from his office to visit the area for official work, then at the gate of Electric Power Sub Station, Nehru Colony, the appellant asked him not to forget the Whatsapp message about the raid to be



conducted at the Line Hotel of Manoj Yadav but this message was not taken into consideration by the informant. The appellant abused the informant in the name of his caste name and threatened to pay monthly ransom of Rs. 15,000/-. The informant said that he would not conduct raid illegally. On this, the appellant became infuriated and abused the informant in the name of his parents and caste seeing him lonely. The informant was assaulted by the appellant and threatened to kill if his words were not adhered to.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. The appellant has falsely been implicated in the present case with ulterior motive. There is no allegation of tampering with the witnesses alleged against him. The allegation of demanding Rs. 15,000/- is denied by the appellant. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 24.02.2020, passed by learned Ist Additional Sessions Judge-cum-Special Judge, (SC/ST), Banka, in



connection with A.B.P. No. 316/2020, arising out of Banka Mahila P.S. Case No. 07/2020, is set aside. The criminal appeal is allowed.

Accordingly, the appellant, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, (SC/ST), Banka, in connection with Banka Mahila P.S. Case No. 07/2020.

**(Sudhir Singh, J)**

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