

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1813 of 2021

Arising Out of PS. Case No.-47 Year-2018 Thana- SC/ST District- Jehanabad

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1. SIDHNATH MISTRI, S/o Late Siya Ram Mistri R/o village- Bajar Tali, P.S.- Jehanabad (Kalpa O.P.), District- Jehanabad
 2. Rajesh Kumar, S/o Sidhnath Mistri R/o village- Bajar Tali, P.S.- Jehanabad (Kalpa O.P.), District- Jehanabad
 3. Rakesh Kumar, S/o Sidhnath Mistri R/o village- Bajar Tali, P.S.- Jehanabad (Kalpa O.P.), District- Jehanabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandan Kumar S/o Awadhesh Das R/o village- Bajar Toli, P.S.- Jehanabad (Kalpa O.P.), District- Jehanabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vinay Mistry
Mr. Sanket
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 21-08-2021 Heard Mr. Vinay Mistri, learned Advocate for the appellants and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 04.09.2020, passed by the learned Additional Sessions Judge, 1st, Jehanabad, in A.B.P. No. 524 of 2020, arising out of Jehanabad SC/ST P. S. Case No. 47 of 2018 (Special Case No. 146 of 2018), whereby the



prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 323, 341, 504, 506 and 34 of the Indian Penal Code and Sections 3 (1) (r) (s) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is that the appellants accosted the informant and abused him by taking his caste name. It was further alleged by the informant that the appellants were angry at the fact that the informant had married the niece of appellant no. 1 and was still residing in the village, despite protest by the appellants.

The learned counsel for the appellants has submitted that an absolutely false case has been lodged against the appellants. In fact, the niece of the appellant no. 1 was abducted and the informant had married her for which a case had been lodged *vide* Kotwali P. S. Case No. 80 of 2018. After a long time, the present



case has been lodged against the appellants as a reaction against the case referred to above.

It has further been submitted that the appellant no. 3 was not sent up for trial but differing with the police report, cognizance has been taken against him as well.

Thus, it appears that the dispute between the parties is because of the niece of the appellant no. 1 having married the informant, for which a case had been lodged by the family members of the appellants earlier.

The accusation attracting the mischief of the provisions contained in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is motivated and revengeful.

For the reasons afore-stated, the order dated 04.09.2020, passed by the learned Additional Sessions Judge, 1st, Jehanabad, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to



be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, 1st, Jehanabad, in connection with Jehanabad SC/ST P. S. Case No. 47 of 2018 (Special Case No. 146 of 2018), subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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