

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2122 of 2020

Arising Out of PS. Case No.-563 Year-2011 Thana- SC/ST District- Vaishali

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1. AJAY MISHRA, aged about 52 years (M), son of late Ripusudan Mishra @ Riksudan Mishra.
 2. Prakash Mishra @ Prakash Kumar Mishra, aged about 43 years (M), son of late Ripusudan Mishra @ Riksudan Mishra.
 3. Ravindra Mishra @ Ravindranath Mishra, aged about 70 years (M), son of late Janak Mishra.
 4. Ratan Mishra, aged about 48 years (M), son of Ravindra Mishra @ Ravindranath Mishra.

All are resident of Village - Gobraura Kehunia, Police Station -
Lauria, District-West Champaran.

... .. Appellants

Versus

The State of Bihar.

... .. Respondent

Appearance :

For the Appellant/s : Mr. Sachida Nand Rai, Advocate
For the Respondent/s : Ms. Usha Kumari-I, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 24-02-2021 Heard learned counsel for the appellants and

learned Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “S.C./ST
Act”) against the order dated 20.08.2020 passed by the learned
1st Additional District & Sessions Judge-cum-Special Judge
(SC/ST), Bettiah, District- West Champaran, in connection with
Trial No.53 of 2020, arising out of Hajipur SC/ST Police Station
Case No. 563 of 2011, registered for the offence under Sections



341, 323, 379 and 504/34 of the Indian Penal Code and under Sections 3(x) of the SC/ST Act but, cognizance has been taken under Section 341, 323, 379 and 504/34 of the Indian Penal Code and under Section 3(i)(x) of the SC/ST Act, by which the Court below has rejected the prayer for anticipatory bail of the appellants.

Allegation has been made that the appellants forcibly were harvesting the paddy crops of the informant and when the informant objected, they abused him by taking his caste name. It has also been alleged appellant Ajay Mishra wrapped his *Gamchha* in his neck but, on raising alarm, the appellants fled away.

Learned counsel for the appellants submits that in fact no incident, as alleged, has taken place, inasmuch as, the Police has submitted the Final Form. He further submits that there was a land dispute between the parties and the land was declared as surplus land under the Ceiling Proceeding and the land has been allotted to the informant but, the appellants have succeeded in recovering the said land by the order of the Hon'ble Supreme Court.

Looking to the aforesaid facts, let the appellants, above named, in the event of their arrest or surrender before the



Court below within a period of six weeks from today, be released on bail, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, District- West Champaran, in connection with Trial No.53 of 2020, arising out of Hajipur SC/ST Police Station Case No. 563 of 2011, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. This is also subject to further conditions that (i) one of the bailors shall be a close relative of the appellants and (ii) the appellants shall fully cooperate with the investigation/trial of the case, failing which, the Court below shall be at liberty to cancel the bail bonds of the appellants.

Accordingly, the impugned order dated 20.08.2020 is set aside. Consequently, this appeal stands allowed.

(Shivaji Pandey, J)

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