

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.529 of 2021

Arising Out of PS. Case No.-106 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

SANTOSH MISHRA Son of Late Radhakant Mishra Resident of Village -
Partapur, P.S.- Belsand, District - Sitamarhi

... .. Appellant

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K.Agrawal, Sr. Advocate Mr. Alok Kumar Jha, Advocate
For the State	:	Mr. Binay Krishna, Special PP
For the Informant	:	Mr. Ashok Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 09-04-2021 Heard learned counsel for the appellant and the learned
Special P.P. for the State as also the learned Counsel appearing for
the informant.

This Court would expect that the appellant's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The appellant has preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for anticipatory bail, vide order dated 3.7.2020 passed by the learned Special Judge, SC/ST Act, Sitamarhi, in connection with Runnisaidpur P.S. Case No. 106 of 2020 instituted for the offence under Sections 302/34 of the Indian Penal Code, and Section 3(i)(r) (s) 3'2] [va] of the SC/ST Act, and also for setting aside the aforesaid order dated 3.7.2020.

The allegation is that the appellant along with three others



have assaulted father-in-law of the informant on his declining to sell certain lands in favour of the accused persons.

Learned Senior Counsel for the appellant submits that the allegation is of assault by fists and slaps. The medical evidence however suggest that the injuries have been caused by hard blunt substance. The prosecution case therefore is unreliable.

Learned Counsel for the informant as well as learned Special PP for the State have submitted that from perusal of the allegations in the FIR it is apparent that the informant has seen the appellant and other three persons assaulting the victim and also banging him against a tree. The nature of injury sustained including the internal injury such as fracture of ribs and rupture of intestine suggest that the allegation are correct. Appellant is alleged to be one of the assailants.

Considering the rival submissions, this Court is not inclined to allow appellant's prayer for anticipatory bail.

In the result, the appeal is dismissed.

(Madhuresh Prasad, J)

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