

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.499 of 2022

Arising Out of PS. Case No.-31 Year-2020 Thana- SAHODARA District- West Champaran

1. NAGENDRA MISHRA S/O LATE BHAGWAT MISHRA R/o village- Banbaria, P.S.- Sahodara, District- Bettiah West Champaran
2. Bablu Mishra S/o Sri Magendra Mishra R/o village- Banbaria, P.S.- Sahodara, District- Bettiah West Champaran
3. Rajan Mishra S/o Sri Nagendra Mishra R/o village- Banbaria, P.S.- Sahodara, District- Bettiah West Champaran

... .. Appellants.

Versus

The State of Bihar

... .. Respondent.

Appearance :

For the Appellant/s : Mr. Kalika Nand Jha
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-08-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State. Although a Vakalanama has been filed on behalf of respondent no.2 but there is no representation on his behalf.

Learned counsel for the appellants undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the



'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 25.11.2020 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), West Champaran at Bettiah in connection with Sahodara P.S. Case No. 31 of 2020 registered under Sections 147, 148, 341, 323, 324, 504 & 379 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

All the appellants in association of about 47 co-accused armed with deadly weapon are said to have surrounded the mohalla of the informant. They entered into the house of the informant and damaged the house hold articles. They also assaulted them by means of lathi.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics and land dispute. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. There is admitted land dispute between



the parties. There is case and counter case between the parties.
Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for
bail.

In the facts and circumstances of the case, the
above named appellants, in the event of their arrest or surrender
before the learned Court below within a period of six weeks
from today, be enlarged on bail on furnishing bail bond of Rs.
25,000/- (Rupees Twenty Five Thousand) each with two
sureties of the like amount each to the satisfaction of the
learned 1st Addl. Sessions Judge cum Special Judge (SC/ST
Act), West Champaran at Bettiah in connection with Sahodara
P.S. 31 of 2020, subject to the condition as laid down under
Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this
appeal is allowed.

(Anjani Kumar Sharan, J)

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