

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.901 of 2022**

Arising Out of PS. Case No.-157 Year-2021 Thana- BARUN District- Aurangabad

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1. VINIT MISHRA @ VINIT KUMAR MISHRA S/o Suresh Mishra R/o village- Pithanua, P.S.- Barun, Distt.- Aurangabad (Bihar)
 2. Ajay Mishra S/o Suresh Mishra R/o village- Pithanua, P.S.- Barun, Distt.- Aurangabad (Bihar)
 3. Lalit Mishra @ Lalit Kumar Mishra S/o Bishwanath Mishra R/o village- Pithanua, P.S.- Barun, Distt.- Aurangabad (Bihar)
 4. Ritu Mishra @ Ritesh Kumar Mishra S/o Late Nagendra Mishra R/o village- Pithanua, P.S.- Barun, Distt.- Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Raju Kumar Ram S/o Late Kariman Ram R/o village- Pithanua, P.S.- Barun, Distt.- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Birendra Kumar Singh
For the Respondent/s	:	Mr.Sadanand Paswan
		Ms. Rupa Kumari

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 24-08-2022 Heard learned counsel for the appellants and learned counsel for the informant.

Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

This appeal has been preferred on behalf of the appellants under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 02.03.2022 in



connection with Barun P.S.Case No. 157 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 427, 504 and 506 of the Indian Penal Code and Section 3(i)(r) (s) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, co-accused Anand Kumar Singh has parked his tractor on the road and when the informant asked him to side the tractor, he abused him by calling his caste name. Meanwhile, procession of Shiv Visarjan was passing on and the accused persons including the appellants abused the informant and co-accused Anand Kumar Singh and Chhotu Kumar Singh assaulted him.

Learned counsel for the appellants has submitted that the allegation of assault is only against Chhotu Kumar Singh and Anand Kumar Singh and not against the appellants. He has submitted further that the occurrence did not take place due to malicious feeling of caste and there was a counter case on the same day being Barun P.S.Case No. 168 of 2021.

On the other hand, learned counsel for the informant has opposed the prayer for bail.

There appears to be a counter case of Barun P.S.Case



No. 168 of 2021. The provision of SC/ST Act does not attract *prima facie*.

Considering the facts and circumstances, the appeal is allowed and the impugned order dated 02.03.2022 is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellants, above-named shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions -cum-Special Judge, SC/ST, Aurangabad in connection with Barun P.S.Case No. 157 of 2021.

Office shall ensure that all the defects are removed by the appellant within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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