

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2304 of 2021

Arising Out of PS. Case No.-53 Year-2021 Thana- RAXAUL District- East Champaran

1. MANISH PATHAK S/O Uma Shankar Pathak R/O Jadhar Ward No. 3, PS Palanwa, District - East Champaran.
2. Abhisek Mishra S/O Prabhat Kumar Mishra R/O Village Gonha, PS Raksul, District East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramsinghashan Ram Son Of Late Mohan Ram R/O- village Anandi ganj, P.O.- Palanwa at present Block Office, Raxaul, Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Chandra Kant, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-07-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State. Though vakalatnama is filed by the counsel for the respondent no.2 but when the case is called out, nobody appears on his behalf.

Learned counsel for the appellants undertakes to remove the defects within three 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) (1) 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 for anticipatory bail vide order dated



12.03.2021, passed by learned Additional Sessions Judge-1st-cum- Special Court, SC/ST, East Champaran at Motihari, in connection with Raxaul P.S. Case No.53 of 2021, registered under sections 341, 323, 353, 332, 504, 427 and 34 of the IPC and sections 3(1)(r)(s)/3(ii), (V-a) of the SC/ST Act.

Allegedly, the FIR named accused persons including the appellants entered into the Block Office, Raxaul and abused the informant by taking caste name and also assaulted him by fists and slaps. The appellants torn the official files and computers of the office.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is stated that the appellants are journalists of reputed news paper and are duly authorized to report any news related to the district East Champaran. They were reporting the irregularities carried out in the Government schemes by the related vikash mitras and other officials and in order to hide those irregularities, this false case has been lodged against the appellants. It is further submitted that no offence under the SC/ST Act is made out against the appellants as the occurrence has not



taken place in the public view and is said to have taken place inside the office. There is no specific overt act against the appellants of abusing the informant. Appellants have no criminal antecedent.

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

Considering the facts and circumstances of the case, since there is no specific overt act against the appellants to abuse the informant and that the occurrence has not taken place in a public view, the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st-cum- Special Court, SC/ST, East Champaran at Motihari, in connection with Raxaul P.S. Case No.53 of 2021, 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)

shikha/-

U		T	
---	--	---	--

