

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2895 of 2021

Arising Out of PS. Case No.-599 Year-2019 Thana- BARACHATTI District- Gaya

1. Shibu Mistry @ Shibu Sharma @ Sibumistri @ Sibum Sharma Son Of Bhola Mistry Resident Of Village - Barki Bihia, P.S.- Barachatti (Mohanpur), District - Gaya
2. Mantumistri @ Mantum Sharma Son Of Shibu Mistry @ Shibu Sharma @ Sibumistri @ Sibum Sharma Resident Of Village - Barki Bihia, P.S.- Barachatti (Mohanpur), District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushma Devi Wife of Ramanand Manjhi Resident of Village - Barki Bihia, P.S.- Barachatti (Mohanpur), District - Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sharma
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-11-2022 Heard learned counsel for the parties.

Notice was validly issued upon the respondent no.2 but nobody has appeared on his behalf.

The defect no.11 as pointed out by the office is ignored in view of the order dated 10.01.2022 passed by the Hon'ble Apex Court in Suo-Motu Writ Petition (C) No. 3 of 2020.

Learned counsel for the petitioner undertakes to remove the remaining defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, 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 27.01.2020 passed by learned Exclusive Special Judge (SC/ST Act) Gaya in connection with Mohanpur P.S. Case No. 599 of 2019 registered under Sections 147, 148, 149, 341, 323, 325, 307, 504, 506 and 427 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with others co-accused is said to have abused the informant and assaulted him and his family members.

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. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant/complainant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellants. Informant has not sustained any injury and there is no injury report in the case diary. Similarly situated others co-accused has already been granted anticipatory bail by this Bench dated 04.03.2021 in Cr. Misc. No.582 of 2020. Appellants have no criminal antecedent



as mentioned in para-3 of memo of appeal.

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

In the facts and circumstances of the case and the fact that similarly situated others co-accused has already been granted anticipatory bail by this Bench, 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (SC/ST Act) Gaya in connection with Mohanpur P.S. Case No. 599 of 2019, 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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