

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.16 of 2021

Arising Out of PS. Case No.-153 Year-2020 Thana- NAUBATPUR District- Patna

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PURNMASI MISTRI @ PUNWASI MISTRI @ PURPREMASI MISTRI
Son of Ramdeo Mistri Resident of Village- Chakchichaul, Maharjganj, P.S.-
Naubatpur, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Surendra Kumar Mishra

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-01-2022 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through virtual Court

proceedings.

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 21.08.2020 passed by learned Special Judge
(SC/ST Act), Patna in connection with Naubatpur P.S. Case No.
153 of 2020 registered under Sections 341, 323, 325, 379 &
504/34 of the Indian Penal Code and Section 3(i) (r) (s) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.



The accusation against the appellant is that he in association of other co-accused assaulted and slated the informant. Appellant is said to have assaulted the informant by means of lathi and her hand got fractured. The reason behind the occurrence is said to be dispute for unholding the electric bulb.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. Informant is the next door neighbour of the appellant. As a matter of fact, there was quarrel between ladies and informant falsely implicated nine persons. Slating the informant in the name of caste is said to have been made inside the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. The learned lower Court has also not mentioned any injury in the impugned order. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Similarly situated co-accused, namely, Khushbu Kumari and others have been enlarged on bail by a co-ordinate Bench of this Court vide order 24.06.2021 passed in Cr. Appeal (SJ) No.850 of 2021.

Heard learned counsel for the appellant and perused the case record. *Prima facie*, no offence under SC/ST Act is made out against the appellant, hence there is no need to



issue notice to the informant.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Patna in connection with Special Case No.154 of 2020, arising out of Naubatpur P.S. Case No.153 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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