

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4064 of 2021

Arising Out of PS. Case No.-310 Year-2017 Thana- DAUDNAGAR District- Aurangabad

1. LAXMAN KUMAR S/o JANESHWAR YADAV R/o VILLAGE-TRARI (TOLA KURBAN BIGHA), P.S-DAUDNAGAR, DISTRICT-AURANGABAD.
2. AVDHESH MISTRI S/o LATE MAHAVIR MISTRI R/o VILLAGE-TARARI (TOLA KURBAN BIGHA), P.S-DAUDNAGAR, DISTRICT-AURANGABAD.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Rajdeo Paswan Late LAL Bihari Paswan Resident of Village-Tarari, P.S.-Daudnagar, District-Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Krishna Kant Tiwari
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 17-08-2022 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the appellants as well as the learned counsel for the informant.

This appeal has been preferred on behalf of the appellants under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 20.08.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Aurangabad in



connection with Daudnagar P.S. Case No. 310/2017 registered for offence punishable under sections 147, 148, 149, 452, 427, 380, 323, 504 of the Indian Penal Code and sections 3 (i) (r) (s) (t) (z) of the SC/ST Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the accused persons, including the appellants, after entering into the house of the informant, misbehaved with him and they also misbehaved with his daughter and stolen away some articles from the house of the informant.

The learned counsel for the appellants has submitted that the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not attracted in this case, as there is nothing in the FIR, which shows that occurrence has taken place due to malicious feeling of caste.

The learned counsel for the informant has submitted that the accused persons, including the appellants not only entered into the house of the members of the scheduled castes category, but they also stolen away their some household articles and also misbehaved with them.

The learned counsel for the appellants has submitted that on similar footing, co-accused Bablu Kumar has been



granted anticipatory bail by the coordinate Bench of this Court in Cr. Appeal (SJ) No. 3005 of 2019.

Considering the fact that co-accused has been granted anticipatory bail as well as the fact that the appellants are the persons of clean antecedents, the appeal is allowed and the impugned order dated 20.08.2019 is set aside.

Accordingly, the appellants, in the event of arrest or surrender before the court below within four weeks from today, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Aurangabad in connection with Daudnagar P.S. Case No. 310/2017.

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

(Nawneet Kumar Pandey, J)

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