

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4063 of 2021**

Arising Out of PS. Case No.-83 Year-2018 Thana- JOGBANI District- Araria

SONW MISHRA @ AVIJIT PARASHAR S/O SRI ASHOK MISHRA R/o  
village- Bhadreswar, Bathnaha, P.O.- Bathnaha, P.S.- Jogbani (Bathnaha),  
Sub.- Forbesganj, District- Araria.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. KUNAL KUMAR S/O SAMBHU PASWAN Resident of village and Post-  
Pathra, P.S.- Pipra, District- Supaul. At present posted as Junior electrical  
engineer electricity distribution office, Jogbani, P.S.- Jogbani, District-  
Araria.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Harsh Vardhan  
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

4      11-08-2022      Heard learned counsel for the appellant.

None appeared on behalf of the informant.

Learned counsel for the appellant 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  
appellant under Section 14-A (2) of the SC & ST (Prevention of  
Atrocities) Act for setting aside the order dated 09.08.2021 in  
connection with Jogbani/Bathnaha P.S. Case No. 83 of 2018,  
registered for the offences punishable under Sections 341, 323,  
353, 504 and 506/34 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 appellant has been rejected.

The informant is Junior Electrical Engineer. As per allegation, he went to the house of the appellant to collect the dues of electricity of rupees six lakh and odd. The appellant abused him in filthy words by calling his caste name. There is also allegation that the appellant assaulted the informant.

Learned counsel for the appellant has submitted that as a matter of fact only Rs. 40,000/- was due to the appellant, but the informant was making a demand of rupees six lakh and on denial, the informant has falsely implicated the appellant in this case. The demand note issued by the Electricity Department is annexed as Annexure-2, which shows that final payable amount is Rs. 40,113/-. By filing Annexure-3, the receipt of the amount, learned counsel for the appellant has submitted that the entire dues of Rs. 40,000/- and odd were cleared.

The informant is Junior Engineer of Electricity Department. He made a demand of rupees six lakh and odd instead of Rs. 40,000/- due to be paid by the appellant and it was the reason he lodged this case. It cannot be said that the occurrence had taken place due to malicious feeling of caste. Hence, the provision of SC/St Act is not attracted.



Considering the facts and circumstances, the appeal is allowed and the impugned order dated 09.08.2021 is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellant, above-named shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional District and Sessions, Araria in connection with Jogbani/Bathnaha P.S.Case No. 83 of 2018.

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)**

HR/-

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