

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.549 of 2021**

Arising Out of PS. Case No.-219 Year-2019 Thana- WARISLIGANJ District- Nawada

Prabhat Mishra @ Prabhat Kumar Mishra Son of Basudev Mishra At ward no. 19, Balwapur, Warsaliganj, P.S.- Warsaliganj, Dist.- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Visheshwar Ravidas son of Late Jagdev Ravidas At- Masankhama, P.S.- Warsaliganj, District- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Niraj Kumar

For the Respondent/s : Mr. Sheo Nandan Prasad

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 04-07-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 03.11.2020, passed by learned Special Judge (S.C./S.T. Prevention of Atrocities Act)-cum-Additional District and Sessions Judge, First, Nawada in connection with Warsaliganj P.S. Case No.219 of 2019, registered under Sections 341, 323, 504 and 34 of the Indian Penal Code and Sections 3(i)(d)(e)(r)(s)/3(2)(v) of the SC/ST Act.



The appellant and other co-accused persons are said to have insulted the son of the informant and one Sagar Kumar by cutting their half hair and half moustache. The appellant and other co-accused persons are also said to have forced the son of the informant and Sagar Kumar to drink dirty water. The accused persons also abused the son of the informant by naming his caste.

Learned counsel for the appellant submits that he has filed a supplementary affidavit bringing on record an FIR being Warsaliganj P.S. Case No.216 of 2019 lodged by the police under Sections 295 and 295A of the Indian Penal Code and Section 66 of the I.T. Act against the son of the informant. The allegation against the son of the informant is of insulting the Hindu God and Goddess. It is further submitted that the son of the informant was also arrested in connection with Warsaliganj P.S. Case No.216 of 2019. It is submitted that after lodging of Warsaliganj P.S. Case No.216 of 2019, the informant concocted a false story and lodged the present FIR being Warsaliganj P.S. Case No.219 of 2019 against this petitioner and others. It is submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal.

Learned Special P.P. for the State as well as the



learned counsel for respondent no.2 opposed the prayer for anticipatory bail of the appellant.

Taking into consideration the facts and circumstances of the case and the fact that the police has also lodged a case against the son of the informant for insulting the Hindu God and Goddess, let appellant, above named, 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 learned Special Judge (S.C./S.T. Prevention of Atrocities Act)-cum-Additional District and Sessions Judge, First, Nawada in connection with Warsaliganj P.S. Case No.219 of 2019, subject to the conditions 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.)

Sanjay/-

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

