

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4430 of 2021

Arising Out of PS. Case No.-296 Year-2021 Thana- PATORI District- Samastipur

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1. SATYAM KUMAR @ SATYAM KR. Son of Pranav Mishra @ Pinku @ Pranav Kumar Resident of Village - Bahadurpur, P.S.- Patori, District - Samastipur.
 2. Kamal Mishra @ Kamal Kishore Mishra Son of Late Ram Prasad Mishra Resident of Village - Bahadurpur, P.S.- Patori, District - Samastipur.
 3. Pranav Mishra @ Pinku @ Pranav Kumar Son of Kamal Mishra @ Kamal Kishore Mishra Resident of Village - Bahadurpur, P.S.- Patori, District - Samastipur.
 4. Vikash Mishra @ Vikash Kumar Son of Kamal Mishra @ Kamal Kishore Mishra Resident of Village - Bahadurpur, P.S.- Patori, District - Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Suneil Kumar Thakur, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-10-2022 Heard learned counsel for the appellants and

learned Spl. P.P. for the State.

Learned counsel at the outset seeks permission to

withdraw the present appeal against appellant No. 1.

Permission is accorded.

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 for **anticipatory bail**



vide order dated 03.09.2021 in A.B.P. No. 1883/2021 passed by the learned 1st Additional Sessions Judge S.C./S.T. (POA) Act, Samastipur in connection with Patori P.S. Case No. 296 of 2021 registered for the offences punishable under Sections 341, 342, 323, 379, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

The informant alleges that on 03.08.2021 at about 1:30 PM while his son was driving the tractor of Bisheshwar Thakur and reached near the house of Kamal Mishra, where Satyam and Shivam were standing from before and asked his son to stop the tractor and upon being asked the reason by his son, they assaulted him with fist and slaps and on protest it is alleged that Kamal and Vikas came there and on orders of Kamal, Shivam started dragging the son of the informant by putting a towel around his neck and thereby assaulted him and even snatched his gold chain and abused him by denoting his caste.

Learned counsel for the appellants submits that appellant no. 2 to 4 have antecedent of one case and have been falsely implicated in the present case, it is next



submitted that the FIR does not disclose that as to how the informant came to know about the occurrence. Learned counsel next submits that informant is not an eye witness to the occurrence, it is next submitted that the allegation of snatching gold chain is ornamental in nature and as far as assault by fist and slap and dragging the son of the informant by putting a towel around his neck is alleged the same is ornamental in nature, it is next submitted that the FIR does not even remotely suggest that the occurrence was witnessed by any public or the same was committed in public view.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellant nos. 2 to 4, the order dated 03.09.2021 in A.B.P. No. 1883/2021 passed by the learned 1st Additional Sessions Judge S.C./S.T. (POA) Act, Samastipur in connection with Patori P.S. Case No. 296 of 2021 is hereby set aside and the 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 anticipatory bail on furnishing bail bonds of Rs. 5,000/-
(Rupees Five Thousand) with two sureties of the like
amount each to the satisfaction of the learned court below
where the case is pending/successor court in connection
with Patori P.S. Case No. 296 of 2021 subject to the
conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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