

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4374 of 2019**

Arising Out of PS. Case No.-154 Year-2018 Thana- PALASI District- Araria

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AMIT MISTRI @ AMIT KUMAR MISTRI Son of Suresh Mistri Resident of
Village- Belsari, P.S.- Palasi, District- Araria.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Pinki Kumari @ Pinki Devi D/o Meero Gharani Resident of Belsara Ward
No.5, P.S.-Palasi, District-Araria.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjana, Adv.

For the Respondent/s : Mr.Usha Kumari 1, Spl. PP

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

8 07-02-2022 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through virtual court
proceeding.

Vide order date 04.02.2020, notice was issued to the
respondent no. 2. From perusal of the office notes, it appears
that notice has been validly served upon the respondent no. 2,
but nobody appears on his behalf.

This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for anticipatory bail vide order dated
17.08.2019, passed by learned 1st Additional Sessions Judge-



cum-Special Judge, Araria in connection with Special (SC/ST) Case No. 107 of 2018 arising out of Palasi P.S. Case No. 154 of 2018, registered under Sections 147, 323, 342, 498A, 354B, 201, 384, 386, 504, 120B of the Indian Penal Code and Sections 3/4 of SC/ST Act.

Appellant, who is husband of the informant, is said to have abused, assaulted and ousted her from the matrimonial home.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. He submits that both the appellant and respondent no. 2 is living together in the home of the father-in-law of the appellant as stated in para-3 of the supplementary affidavit. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

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

Considering 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 enlarged on anticipatory 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



1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Special (SC/ST) Case No. 107 of 2018 arising out of Palasi P.S. Case No. 154 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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