

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.409 of 2023**

Arising Out of PS. Case No.-152 Year-2022 Thana- MAHARAJGANJ District- Siwan

1. AMAR MISHRA @ AMAR KUMAR MISHRA Son of Rajendra Mishra R/V- Lerua, P.S- Maharajganj, Dist- Siwan
2. Golu Mishra @ Golu Kumar Mishra Son of Rajendra Mishra R/V- Lerua, P.S- Maharajganj, Dist- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Vakil Nut Son of Late Ajij Nat R/V- Baldu, P.S- Maharajganj, dist- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Chandra

For the Respondent/s : Mr.Binay Krishna

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

3 22-03-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Spl. PP for the State, in compliance of order dated 08.02.2023, informed the informant/complainant. Nobody appeared on behalf of the informant/complainant.

This is an appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 01.12.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Siwan, in connection with Maharajganj P.S. Case No. 152 of 2022 registered under



Sections 147, 148, 149, 341, 342, 325, 337, 338, 307, 304, 448, 452, 435, 436, 427, 504, 506, 427 and 120(B) of the Indian Penal Code and Section 3(i)(r)(s) and 2 (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, when the informant was at his house he heard a sound of firing and after 15-20 minutes 50-60 persons armed with weapons entered into Nat Colony and started assaulting everyone.

Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste hence, no offence under Section SC/ST Act is made out against the appellant. He submits that there is no specific allegation against the appellants. He submits that it is relevant to state here in the FIR there is general and omnibus allegation against 50-60 accused persons and informant disclosed the name of 18 accused persons including the appellants. Appellants have got no criminal antecedent as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State opposes payer for bail and submits that the appellant abuses the respondent no. 2/informant by taking caste name.



Considering the facts and circumstances of the case and the fact that there is no specific allegation of abusing the informant by taking caste name, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Siwan, in connection with Maharajganj P.S. Case No. 152 of 2022, subject to the condition as 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)

anand/-

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