

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.651 of 2022

Arising Out of PS. Case No.-228 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

DHARMENDRA MISHRA Son of Anant Mishra Resident of Village- Mala,
P.S.- Chapra Muffasil, District- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Arun Kumar Das Sri Nagendra Das Village-Kanthchapra, P.S.-Sahajitpur,
District Saran

... .. Respondent/s

Appearance :

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

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

Mr. Dharmendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2023 Heard the parties.

Learned counsel for the appellant undertakes to remove the defects within four weeks.

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 15.11.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Saran in connection with Chapra Muffasil P.S. Case No. 228 of 2020 registered under Sections 341, 323, 504, 427/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

Allegedly, appellant is said to have abused and assaulted the informant.

It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. He has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to personal grudge. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. There is no specific allegation against the appellant of abusing the informant by taking his caste name. Appellant has no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel for respondent no.2 opposed the prayer for bail.

In the facts and circumstances of the case, since there is no specific overt act against the appellant, 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 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 Addl. Sessions Judge cum Special Judge (SC/ST Act), Saran in



connection with Chapra Muffasil P.S Case No. 228 of 2020,
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)

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