

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1397 of 2023

Arising Out of PS. Case No.-314 Year-2021 Thana- PHULPARAS District- Madhubani

1. HARKHIT MISHRA @ HARSHIT MISHRA SON OF MANGAIN MISHRA RESIDENT OF VILLAGE -BELMOHAN, PS- PHULPARAS, DISTRICT- MADHUBANI
2. CHINTU KUMAR MISHRA SON OF HARKHIT MISHRA @ HARSHIT MISHRA RESIDENT OF VILLAGE -BELMOHAN, PS- PHULPARAS, DISTRICT- MADHUBANI
3. JAGARNATH MISHRA SON OF HARKHIT MISHRA @ HARSHIT MISHRA RESIDENT OF VILLAGE -BELMOHAN, PS- PHULPARAS, DISTRICT- MADHUBANI

... .. Appellant/s

Versus

1. The State of Bihar
2. ARUN KUMAR PASWAN SON OF LATE RAMDEV PASWAN, RESIDENT OF VILLAGE- BELMOHAN, PS- PHULPARAS, DISTRICT- MADHUBANI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramchandra Jha Raman
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-07-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

In compliance of the order dated 19.04.2023, learned Spl.PP for the State informed the informant/complainant to appear in the present case through his/her counsel but nobody entered appearance on his/her behalf.

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 10.01.2022 passed by learned 1st Additional Sessions Judge, Madhubani, in connection with Phulparas P.S. Case No.314 of 2021, registered under Sections 406, 420, 341, 323, 504, 506, 34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, the appellants cheated Rs.7,50,000/- from the informant in the name of land registry but sold the same land to some other person.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. It is stated that the land in question was registered by the appellant no.1 in favour of the informant after making registry of the land. He further submits that land has already registered so the allegation of cheating fraud against the appellants are false and fabricated. He further submits that there is no allegation against the appellants to abuse the informant by taking caste name. Appellants have criminal antecedent as



mentioned in para-3 of memo of appeal.

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

In the facts and circumstances of the case, 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 the learned 1st Additional Sessions Judge, Madhubani, in connection with Phulparas P.S. Case No.314 of 2021, 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)

shikha/-

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

