

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1556 of 2023

Arising Out of PS. Case No.-252 Year-2022 Thana- GAUNAHA District- West Champaran

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SANJAY MISHRA @ SANJAY KUMAR MISHRA @ SANJAY MISHRI
SON OF LATE RAHDA MOHAN MISHRA R/O VILLAGE-
BISHUNPURWA, P.O.- BELSANDI, P.S.- GAUNAHA, DISTRICT- WEST
CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. SURYAWATI DEVI WIFE OF LAXMAN MAHTO R/O VILLAGE-
BISHUNPURWA, P.O. BELSANDI, P.S.- GAUNAHA, DISTRICT- WEST
CHAMPARAN

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Brij Kishor Mishra, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Respondent No. 2 :		Mr. Sanjeev Kumar , Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-09-2023 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 08.02.2023 passed in a case registered for the offence punishable under sections 341, 342, 323, 324 , 354(B), 379, 504/34 of the Indian Penal Code and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.



3. On the alleged date and time of occurrence , this appellant and his associate surrounded her and started putting pressure for doing the wage work. On refusal by the informant this appellant along with other co-accused persons armed with axe (Tangi) abused and assaulted the informant. Appellant is alleged to have given tangi blow on the head of the informant on account of which she sustained injury .

4. It is submitted that allegation of assault is general and omnibus against the appellant. Doctor has found simple injury . There is no allegation of abuse by caste name against the appellant, as such, no case under SC/ST Act is made out. Rest of the allegation is ornamental in nature . Appellant claims clean antecedent.

5. Counsel for the parties oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge- 1st cum-Special Judge, SC/St, West Champaran at



Bettiah in connection with Gaunaha Police Station Case No.
252 of 2022 .

(Prabhat Kumar Singh, J)

Kaushik/-

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