

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1242 of 2022

Arising Out of PS. Case No.-61 Year-2020 Thana- SARAI District- Vaishali

GUDDU MISHRA @ BRAJENDRA KUMAR MISHRA S/o Kamal Mishra
R/o village- Akhtiyarpur Patedha, P.S.- Bhagwanpur, District- Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Kanchan Kumari, Advocate
		Mr. Gopal Raj, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-02-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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 11.02.2022 passed by learned Special Judge- SC/ST, Vaishali at Hajipur, in connection with Sarai P.S. Case No. 61 of 2020 registered under Sections 147, 149, 323, 353 and 504 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation has been made on 16.03.2020, that there



was a free fight between two groups of people, in which one Deepa Kumari received injury and ultimately died. On 17.03.2020, villagers blocked the NH-22. On information, the police party reached there and tried to pacify the matter but, the crowd started abusing the police part by calling their caste name and also obstructed the vehicular movement.

It is submitted by learned counsel for the appellant that the appellant has not concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste. He submits that the informant did not stated in his self statement that on what way the informant identified the appellant from crowd of 400-500 people. Hence, no offence under Section SC/ST Act is made out against the appellant. Appellant has got no 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.

In the facts and circumstances of the case, let 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 learned Special Judge- SC/ST, Vaishali at Hajipur, in connection with Sarai P.S. Case No. 61 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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