

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2197 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- SC/ST District- Gaya

1. SANDIP KUMAR SHARMA Son of Suresh Mistri @ Nandan Kishor Mistri Resident of village - Panari, P.S. - Belaganj, Distt. - Gaya
2. RINKI DEVI Wife of Dablu Mistri Resident of village - Panari, P.S. - Belaganj, Distt. - Gaya
3. GANESH MISTRI Son of Suresh Mistri @ Nandan Kishor Mistri Resident of village - Panari, P.S. - Belaganj, Distt. - Gaya
4. Jaimanti Devi @ Jayanti Devi Wife of Sandip Kumar Sharma Resident of village - Panari, P.S. - Belaganj, Distt. - Gaya
5. Babita Devi Wife of Ganesh Mistri Resident of village - Panari, P.S. - Belaganj, Distt. - Gaya
6. Dablu Mistri @ Arjun Sharma Wife of Raj Kishore Mistri Resident of village - Panari, P.S. - Belaganj, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Yogendra Choudhary Son of Shanti Choudhary Resident of village - Panari, P.S. - Belaganj, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sharma, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-07-2023 Heard learned counsel for the appellants and learned
Spl. P.P. 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 17.03.2023 in A.B.P. No. 52 of 2023 passed by the



learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Gaya in connection with SC/ST P.S. Case No. 01 of 2023 registered for the offences punishable under Sections 147, 323, 448, 504 and 506 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

Learned counsel for the appellants at the outset seeks permission to withdraw the present appeal with respect to appellant no. 3 (Ganesh Mistri).

Permission is accorded.

Learned counsel for the appellants submits that appellants are persons with clean antecedent and from perusal of allegation as alleged in the FIR it would manifest no offence is made out under the SC/ST Act as the informant alleges that the accused persons came to his house variously armed and assaulted him and even threatened to close the grocery shop and when the villagers interfered the accused persons fled away. The learned counsel next submits that even presuming what has been alleged is true without admitting that the entire occurrence took place within the confines of the house of the informant, as such, the occurrence was not in public view and the FIR even does not disclose the name of the villagers who came to save the informant which further cast an aspersion on the case of the



prosecution.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 17.03.2023 in A.B.P. No. 52 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Gaya in connection with SC/ST P.S. Case No. 01 of 2023 is hereby set aside and the appellant nos. 1, 2, 4, 5 and 6, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with SC/ST P.S. Case No. 01 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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