

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1833 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- BAKHTIYARPUR District- Patna

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SITA MOCHI @ SITA RAM MOCHI @ SITA RAM DAS Son of Late
Rajendra Mochi Resident of village - Rawaich Dhih (Ward No 1), P.S.-
Bakhtiyarpur, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shankar Mochi son of late Kumari Mochi resident of village- Ramwaich Dih
Ward No. 01 P.s.- Bakhtiyarpur, District- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Lal Babu Singh
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 22-02-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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

Despite valid service of notice, nobody appears on behalf
of the respondent no.2.

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
28.01.2022, passed by learned Special Judge SC/ST-cum-
Additional Sessions Judge III, Patna in connection with SC/ST



Bakhtiyarpur P.S. Case No.68 of 2022, registered under Sections 341, 323, 447, 504, 506, 427, 435, 436/34 of the Indian Penal Code and Section 3(1) (r) (s)/3 (2) (iv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellant is that he alongwith other co-accused persons abused the informant and burnt down his house property and as a result of which the cow of the informant died.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. There is no specific overt act against the appellant. He further submits that similarly situated co-accused persons has been granted bail by a co-ordinate Bench of this Court vide order dated 19.12.2022 passed in Cr.App (SJ) No.3453 of 2022. Appellant has no criminal antecedent as mentioned in para-3 of this 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 appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released 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 Special Judge SC/ST-cum-Additional Sessions Judge III, Patna in connection with SC/ST Bakhtiyarpur P.S. Case No.68 of 2022, 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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