

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2961 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- BIBHUTIPUR District- Samastipur

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1. Ritesh Mishra @ Ritesh Kumar Mishra Son Of Sri Kaushlendra Mishra R/O Village- Chakhabib, P.S.- Bibhutipur, District- Samastipur
 2. Kaushlendra Mishra Son Of Late Parshuram Mishra R/O Village- Chakhabib, P.S.- Bibhutipur, District- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amitabh Sohan
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 01-11-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of
order dated 30.08.2023, informed the informant/complainant.
Nobody appeared on behalf of the informant/complainant.

3. 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 15.05.2023 passed by learned Special Judge
SC/ST (POA) Act, Samastipur, in connection with Vibhutipur



P.S. Case No. 112 of 2023 registered under Sections 147, 149, 341, 323, 324, 379, 504, 506 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the appellants along with other co-accused persons are said to have assaulted the informant, his father and his brother.

5. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under SC/ST Act is made out against the appellant. He submits that there is no specific overt act against the appellants. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes payer for anticipatory bail.

7. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the appellants, let 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 learned Special Judge SC/ST (POA) Act, Samastipur, in connection with Vibhutipur P.S. Case No. 112 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

anand/-

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