

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.877 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- KHAJANCHI HAT District- Purnia

Rajiv Mishra @ Rajiv Kumar Mishra Son Of Niranjan Mishra Resident Of
Village- Teachers Colony Ward No. 26, Ps- K. Hat Sahayak, Distt- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Janardan Das Son Of Late Dukha Das Resident Of Village- Tatma Toli,
(Chhath Pokhar), Ward No. 26, Ps- K. Hat , Sahayak, Distt- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mritunjay Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor Mr. Amardeep, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-09-2024 Heard learned counsel for the appellant, respondent
No. 2 and the State.

2. This criminal appeal has been filed against the order dated 27.01.2024 passed by learned Special Judge, SC/ST Act, Purnea in ABP No. 8 of 2024 in connection with K.Hat Sahayak P.S. Case No. 4 of 2024, instituted under Sections 341, 324, 307, 504, 506/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(3) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. As per prosecution case, on the alleged date and time of the occurrence, all the F.I.R. named accused persons



including this appellant in drunken condition abused informant by caste name and made indiscriminate firing and thereafter, fled away.

4. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. Appellant has falsely been implicated due to village politics. Allegation against appellant is general and omnibus. Though there is allegation of firing but no one sustained any firearms injury. F.I.R. does not disclose presence of any member of public when the incident occurred, as such, no offence under SC/ST Act is made out against appellant. Moreover, dispute between the parties has already been resolved and a compromise petition has also been filed in this regard before the court below.

5. Learned counsel for the respondent No. 2 does not dispute the contention made on behalf of the appellant.

6. Considering the fact that dispute has already been resolved, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Purnea in connection with K.Hat Sahayak P.S. Case No. 4 of 2024.



7. Accordingly, this criminal appeal is allowed and
impugned order dated 27.01.2024 is set aside with respect to
this appellant only.

(Prabhat Kumar Singh, J)

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