

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1474 of 2023

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

-
1. SANJAY MISTRI Son of Vijay Mistri Resident of village - Salempur, P.S.-
Jehanabad (Karauna O.P.), District - Jehanabad
 2. Bhimsen Mistri Son of Vijay Mistri Resident of village - Salempur, P.S.-
Jehanabad (Karauna O.P.), District - Jehanabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Sheo Kumar Son of Late Sudama Ram Resident of village - Salempur, P.S.-
Jehanabad (Karauna O.P.), District - Jehanabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vinay Mistry, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. Public Prosecutor Ms. Alka Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-07-2024 Heard the parties.

2. This appeal has been filed against the order dated 23.02.2023 passed by learned 1st Additional District Judge-cum-Special Judge, SC/ST Act, Jehanabad in connection with A.B.P. No. 140 of 2023 arising out of Jehanabad SC/ST P.S. Case No. 01 of 2023, registered under Sections 341, 323, 324, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2) (va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per the F.I.R., on 24.12.2022 at 7:30 AM, while



the informant was returning from morning walk, all the named accused persons including these appellants abused the informant by his caste name. On protest, co-accused Pappu Mistri gave khanti blow to the informant, as a result of which, he sustained injury on right shoulder and hand.

4. Learned counsel for the appellants submits that specific accusation of assault is against co-accused Pappu Mistri. It is next submitted that there is land dispute between the parties for which a case is already pending before the learned Sarpanch, Sevnar (Annexure-2). It is next submitted that allegations levelled against the appellants under the Indian Penal Code are bailable in nature and allegations under SC/ST Act are super addition only to make the case grave. It is not the case of the prosecution, that any member of public was present at the time of occurrence, as such, the incident did not take place within public view and hence no offence under SC/ST Act is made out. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 vehemently opposed the bail application.

6. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a



period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of 1st Additional District Judge-cum-Special Judge, SC/ST Act, Jehanabad in connection with A.B.P. No. 140 of 2023 arising out of Jehanabad SC/ST P.S. Case No. 01 of 2023.

7. Accordingly, the impugned order dated 23.02.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

Navya/-

U		T	
---	--	---	--

