

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2410 of 2022

Arising Out of PS. Case No.-9 Year-2014 Thana- BIHTA District- Patna

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1. Sadhu Mistri @ Sanjay Kumar Son Of Sudeshwar Mistri R/O Village- Mahuar, P.S.- Bihta, District- Patna
 2. Vinay Mistri Son Of Sudeshwar Mistri R/O Village- Mahuar, P.S.- Bihta, District- Patna
 3. Raj Kishore Mistri Son Of Madheshwar Mistri R/O Village- Mahuar, P.S.- Bihta, District- Patna
 4. Santosh Mistri Son Of Motilal Mistri R/O Village- Mahuar, P.S.- Bihta, District- Patna
 5. Bihari Mistri @ Rambihari Sharma Son Of Late Medhnath Mistri R/O Village- Mahuar, P.S.- Bihta, District- Patna

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhananjay Kumar Tiwary
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-03-2024 1. Heard learned counsel for the appellants and learned Special P.P. along with learned counsel for the informant.

2. 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 02.01.2014 in A.B.P. No. 1638 of 2022 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with Bihta P.S. Case No. 09/2014 registered under Sections 341, 323, 436, 504 and 34 of the Indian Penal Code as



well as Sections 3(1)(x) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and have been falsely implicated in the present case by the informant with an allegation that she was abused by her caste name but then F.I.R. does not even remotely suggest that the occurrence was witnessed by any independent witnesses though in the F.I.R. the informant has alleged that the accused persons including the appellants came variously armed while children were taking meal at Anganwari center and started abusing the informant by taking caste name and also threatened that the informant would be killed and thereafter indulged in arson when the male of the house were not there. It is further submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that the allegations are cryptic, vague and does not make out any sense. It is further submitted that had the occurrence taken place at Anganwari center then definitely the informant would have given name at least of the children who had witnessed the occurrence. It is further submitted that though there is allegation of setting ablaze on fire but what was put on fire that is not disclosed, which further casts an aspersion on the case of the prosecution.



4. Learned Special Public Prosecutor along with learned counsel for the informant opposes the appeal but are not in a position to rebut the submission of the learned counsel for the appellants that the occurrence was not witnessed by any independent witness and what was put on fire is also not disclosed.

5. Considering the submission of the learned counsel for the appellants, let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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