

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3105 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- BIND District- Nalanda

-
-
1. Mantu Mistri Son Of Ravishankar Mistri @ Chhote Mistri Resident Of Village- Alipur, Ps- Bind, Dist- Nalanda
 2. Prince Mistri @ Prince Kumar Son Of Ravishankar Mistri @ Chhote Mistri Resident Of Village- Alipur, Ps- Bind, Dist- Nalanda
 3. Shantu Mistri @ Shintu Mistri Son Of Ravishankar Mistri @ Chhote Mistri Resident Of Village- Alipur, Ps- Bind, Dist- Nalanda
 4. Ravishankar Mistri @ Chhote Mistri Son Of Meba Mistri Resident Of Village- Alipur, Ps- Bind Dist- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Binod Paswan Son Of Raj Kumar Paswan Resident Of Village- Alipur, Ps- Bind, Dist- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pankaj Kumar, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.
		Mr. Prahalad Kumar Bhagat, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 09-05-2024 Heard the parties.

2. This appeal has been filed against the order dated 25.05.2023 passed by Additional Sessions Judge-III-cum-Special Judge, Bihar Sharif in connection with A.B.P. No. 909 of 2023 arising out of Bind P.S. Case No. 50 of 2023, registered under Sections 341, 323, 308, 504, 34 of the Indian Penal Code and Sections 3(1)(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 F.I.R., on 07.05.2023 at about 08:30 PM, when the informant was at his door, then the appellants came there armed with *lathi* and *danda* and assaulted him, due to which he sustained injury.

4. Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case due to village politics. There is case and counter case between the parties. The wife of the appellant no. 1 has also filed a complaint case bearing Complaint Case No. 448C of 2023 against the informant. Further submission is that the injuries sustained by informant are simple in nature. There is no allegation of abuse by caste name, as such, no offence under SC/ST Act is made out against the appellants. Appellants claim clean antecedent.

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

6. Considering the submissions made above, 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) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-III-cum- Special Judge, Bihar Sharif in



connection with A.B.P. No. 909 of 2023 arising out of Bind P.S.
Case No. 50 of 2023.

7. Accordingly, the impugned order dated 25.05.2023
is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

utkarsh/-

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

