

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3647 of 2024**

Arising Out of PS. Case No.-83 Year-2022 Thana- KORANSARAI District- Buxar

Prem Kumar Mishra @ Prem Mishra Son of Late Dinanath Mishra Resident  
of Village - Banahi, P.S. - Shahpur, District - Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Uma Shankar Ram Son of Late Sipahi Ram Resident of Village- Rampur,  
P.S. - Nawanagar, District - Buxar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Ms. Kumari Anjali, Advocate  
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      27-09-2024                      1. Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

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 28.06.2024  
in A.B.P. No. 797 of 2024 passed by the learned 1<sup>st</sup> Additional  
Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Buxar in  
connection with Koransarai P.S. Case No. 83 of 2022 registered  
under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code  
as well as Sections (i)(r)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellant submits that  
appellant is a person with clean antecedent.

4. The informant alleges that he went to the owner of



the brickkiln, namely, Umesh Mishra on 01.07.2022 and asked why bricks have not been sent despite payment being made by him on which the appellant replied that rate of brick has increased, hence, if the increased price is paid then the number of bricks ordered can be sent, hence, an altercation took place on account of dispute relating to price of bricks and it is alleged that appellant abused him by taking caste and misappropriated an amount of Rs.70,000/-.

5. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the dispute was with respect to price of bricks. It is next submitted that appellant was willing to supply the number of bricks which the informant had ordered but for that he had to give the increased price. It is also submitted that appellant was willing to send the bricks for an amount which was credited with him but then in that amount the number of bricks earlier ordered could not have been supplied. It is further submitted that even presuming what has been alleged is true without admitting then no offence under the SC/ST Act is made out as the FIR does not even remotely suggest that the occurrence was witnessed by any independent witnesses and the dispute appears to be civil to which a criminal colour has been



given. It is thus submitted that no useful purpose would be served by issuing notice to the respondent no. 2.

6. Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

7. Considering the aforesaid facts, let the appellant, above named, in the event of his 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 bond of Rs.5,000/- (rupees five thousand) 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.

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

(Satyavrat Verma, J)

Kundan/-

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