

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4103 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- SAHODARA District- West Champaran

1. Nagendra Mishra @ Nagendra Kumar Mishra Son Of Late Bhagwat Mishra R/O Vill - Banbairiya, P.S. - Sahodara, Distt. - West Champaran
2. Babloo Mishra Son of Nagendra Mishra R/o vill - Banbairiya, P.S. - Sahodara, Distt. - West Champaran
3. Rajan Mishra Son of Nagendra Mishra R/o vill - Banbairiya, P.S. - Sahodara, Distt. - West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Manoj Baitha Son of Late Grahan Baitha R/o vill - Banbairiya, P.S. - Sahodara, Distt. - West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Brij Kishor Mishra, Adv
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP Mr, Sujeet Kumar , Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 29-03-2024 Heard learned counsel for the appellant and learned Spl P.P for the State.

2. This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes against the refusal of prayer for anticipatory bail vide order dated 18.08.2023 passed by the^t Additional Sessions Judge, West Champaran at Bettiah in connection with Sahodara P.S. Case no. 88 of 2023, registered for the alleged offences under sections 341, 323, 324, 379/34 of the Indian Penal Code and Section 3(i) (r) (s)3 (2) of the SC/ST



Act.

3. As per the prosecution case, the appellants armed with various weapons, assaulted the informant and one Tapu Mahato badly. The informant alleged that they abused him by calling his caste name and threatened him to kill and throw him in the river. The appellants snatched Rs. 20,000/- and a mobile phone from the informant.

4. learned counsel for the appellant submits that the appellants are innocent and have falsely been implicated in this case. The allegation of abusing against the appellants are general and omnibus and no member of public was present at the relevant point of time of the alleged occurrence, hence no offence under the provision of SC/ST Act is made out against the appellant. The appellants have one criminal antecedent in which they are on bail stated in para-3 of the petition.

5. Learned Spl P.P for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the appellant, the impugned order dated 18.08.2023 passed by the Additional Sessions Judge 1st West Champaran at



Bettiah in connection with Sahodara P.S. Case no. 88 of 2023 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st^d Additional Sessions Judge , West Champaran at Bettiah in connection with Sahodara P.S.Case No. 88 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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