

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4618 of 2024

Arising Out of PS. Case No.-152 Year-2024 Thana- KURTHA District- Jehanabad

Sukul Mistry @ Sandeep Kumar Son of Ramchandra Mistri R/O Ibrahimpur
Dhamaul, P.S.- Kurtha, Dist.- Arwal, Bihar

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Leela Devi Wife of Anil Manjhi Dist.- Arwal, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shiw Kumar Prabhakar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-10-2024 1. Heard the parties.

2. The appellant apprehend his arrest in connection with Kurtha P.S. Case No. 152 / 2024 registered for the offence under Section 341 / 323 / 354 (B) / 379 / 504 / 506 / 34 of the IPC and Section 3 (i)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and being aggrieved by the order dated 10.09.2024 passed by learned 1st Addl. Sessions Judge cum Special Judge (SC/ST) Act, Jehanabad passed in ABP No. 1087 / 2024 arising out of Kurtha P.S. Case No. 152 / 2024 has preferred this appeal for grant of anticipatory bail.

3. The informant has alleged that on 10.06.2024 the appellant along with other 5-6 unknown persons arrived at the



house of the informant and caught her and started dragging her and misbehaving with her with an intention to outrage her modesty. Sukul Mistry (appellant) also torn the blouse of the informant and snatched “mangalsutra” worth Rs. 70000/- from the neck of the informant and on the same day in the night the appellant along with 5-6 unknown persons called the informant with her caste name.

4. Learned counsel for the appellant submits that appellant has falsely been implicated in this case and the present case has been filed in misuse of the legal provision for the reason that the family of the informant was indulged in manufacturing and selling of Mahua liquor which was being objected by the appellant and in order to put pressure upon the appellant not to raise voice against the manufacturing of illegal Mahua liquor the appellant has been implicated in the present case in a concocted story. He further submits that from perusal of F.I.R. it would be evident that caste name was not taken in full public view.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that anticipatory bail is not maintainable under Section 18 & 18A of the Scheduled Castes & Scheduled Tribes (Prevention of



Atrocity) Act. He further submits that F.I.R. prima facie discloses the offence under SC / ST Act and other Sections of the I.P.C.

6. Regard being had to the submission made by the parties, taking into consideration the fact that caste name of the informant was not taken in full public view and further the family members of the informant are having two cases registered under the Excise Act and as per the appellant he was objecting to the activities of manufacturing and selling of illicit Mahua liquor, as such, I am inclined to grant anticipatory bail to the appellant.

7. Accordingly, the order dated 10.09.2024 passed in ABP No. 1087 / 2024 arising out of Kurtha P.S. Case No. 152 / 2024 by learned 1st Addl. Sessions Judge-cum-Special Judge (SC/ST) Act, Jehanabad is set aside and this appeal is allowed.

8. Let the appellant, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-1 cum Spl. Judge (SC/ST) Act, Jehanabad in connection with Kurtha P.S. Case No. 152 / 2024 subject to the



condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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