

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4854 of 2023

Arising Out of PS. Case No.-202 Year-2023 Thana- AMBA District- Aurangabad

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1. Awadhesh Mishra S/O Late Sahdeo Mishra Village Post-Parta P.S.-Amba, District-Aurangabad (Bihar)
 2. Shyam Kishore Mishra S/O Sri Awadhesh Mishra Village Post-Parta P.S.-Amba, District-Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Binda Devi W/O Jagdish Nut Resident Of Village Raham Bigha, Tole-Nehaiya Bigha, Post-Parta, P.S.-Amba, District-Aurangabad (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uma Kant Mishra, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-05-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 15.09.2023, passed in a case registered for the offence punishable under sections 341, 354(B), 504 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.



3. As per the prosecution case , on 15.08.2023 at about 09:00 A.M., informant had gone to customer care centre of Appellant No. 2 for withdrawal of money then appellant No. 2 who is the operator of the customer service center started misbehaving with the informant by catching her breast , on protest by her she was abused by caste name .

4. It is submitted on behalf of the appellants that the falsity of the case is itself apparent from the bare perusal of the F.I.R., that on the alleged date and time of occurrence , the service centre of the appellant No. 2 was closed on the occasion of Independence day. F.I.R., has been lodged after the delay of six days. It is the case of the prosecution that no member of public was present at the time of incidence, as such, no case under SC/ST Act is made out.

5. Counsel for the parties oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge,



SC/ST- Cum-1st Additional District & Sessions Judge,
Aurangabad, in connection with Amba Police Station Case No.
202 of 2023.

(Prabhat Kumar Singh, J)

Koushik/Ankit-

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