

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.103 of 2023

Arising Out of PS. Case No.-789 Year-2018 Thana- DANAPUR District- Patna

PANKAJ MISHRA S/O MANOJ MISHRA Resident of village- Ashopur P.S.-
Danapur District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. SHYAMNANDAN CHOUDHARY S/O LATE SHEONANDAN
CHOUDHARY Resident of village- Ashopur, P.S.- Danapur, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Jha
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 19-07-2024 Heard learned counsel for the appellant and learned APP
for the State.

2. This appeal has been preferred on behalf of the appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 13-10-2022 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with Danapur P.S. Case No. 789 of 2018, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 308, 504, 506, 379, 427 of the Indian Penal Code & Section 3(1)(r) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per allegation, when the informant was going to Chhath Ghat with his family members, the accused persons assaulted



him and his family members and also uttered abusive language calling his caste name.

4. Learned counsel for the appellant has submitted that the appellant is innocent and he has falsely been implicated in this case. Further submission is that on exactly similar footing, co-accused Uday Yadav has been granted anticipatory bail by this Court vide order dated 24-01-2023 passed in Cr. Appeal (SJ) No. 4184 of 2021.

5. Learned Special PP has opposed the prayer for bail.

6. Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 13-10-2022 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with Danapur P.S. Case No. 789 of 2018 passed by the learned Exclusive Special Court, SC/ST Act, Patna is set aside.

7. Accordingly, in the event of arrest or surrender within four weeks from today, the appellant above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, SC/ST Act, Patna in connection with Danapur P.S. Case No. 789 of 2018.

(Nawneet Kumar Pandey, J)

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