

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5229 of 2023

Arising Out of PS. Case No.-576 Year-2023 Thana- PATNA CITY CHOWK District- Patna

Anurag Kumar Mishra Son Of Sri Dhrub Deo Mishra Resident Of Mohalla -
Kahar Toli, P.S. - Chowk, District - Patna

... .. Appellant

Versus

1. The State Of Bihar
2. Neeraj Kumar Son Of Bajrangi Prasad Resident Of Mohalla - Kahar Toli,
Mahavir Asthan, P.S. - Chowk, District - Patna

... .. Respondents

Appearance :

For the Appellant/s	:	Mr.Deepak Kumar, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P Mr. M.P. Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 18-07-2024 Heard learned counsel for the appellant, the State and
respondent no.2.

2. This appeal has been filed for setting aside order dated 18.10.2023 passed in a case registered for the offence punishable under sections 341, 323, 504, and 34 of the IPC and section 3(1)(d)(e)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, when the informant was coming out of a Shikshan Sansthan, this petitioner who was admin of that institution as well as other accused persons, abused by caste name and also assaulted him.



4. Learned counsel appearing for the appellant submits that as per FIR, other co-accused abused the informant by caste name and assaulted the informant. Appellant is only alleged to have not taken any action on the complaint by the informant. Moreover, no member of the public was present on the spot at the time of alleged incident, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

7. Let the appellant, named above, in the event of their 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) with two sureties of the like amount each to the satisfaction of the Exclusive Special Judge, Exclusive Special Court (SC/ST) Act, Patna in connection with Chowk Police Station Case No. 576/2023.

(Prabhat Kumar Singh, J)

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