

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.394 of 2024

Arising Out of PS. Case No.-276 Year-2023 Thana- KARJA District- Muzaffarpur

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1. Surendra Mishra @ Nanhaki Mishra S/O Late Ram Sewak Mishra R/O Village- Madhuban, Ps.- Karja, Dist. Muzaffarpur.
 2. Umesh Mishra S/O Late Ram Sewak Mishra R/O Village- Madhuban, Ps.- Karja, Dist. Muzaffarpur.
 3. Geeta Devi W/O Surendra Mishra @ Nanhaki Mishra R/O Village- Madhuban, Ps.- Karja, Dist. Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhikhari Das S/O Late Punkal Das Village- Madhuban, P.O.- Pakri Pakohi, Block- Marwan, Ps. Karja, Dist. Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yugal Kishore, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor
For the R. No. 2	:	Mr. Hari Kishore Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-09-2025 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Spl. Public Prosecutor for the State.

2. This appeal has been filed against the order dated 03.01.2024 passed by learned Special Judge, SC/ST (POA) Act, Muzaffarpur in ABP No. 4197 of 2023 arising out of Karja P.S. Case No. 276 of 2023, registered under Sections 448, 341, 323, 354, 427, 379, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for



anticipatory bail of appellants has been rejected.

3. As per F.I.R., on 13.08.2023 at 9:30 AM, on account of land dispute, all the F.I.R. named accused persons, including these appellants, abused informant by caste name and assaulted him and others by means of *lathi*, *danda*, iron rod. It is further alleged that the accused persons also entered the house of informant and looted jewellery and cash of Rs. 10,000/-.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. As a matter of fact, prior to the institution of this case, appellant no. 1 had filed Karja P. S. Case No. 275 of 2023 dated 14.08.2023 against informant and others alleging therein that on 13.08.2023 informant and others forcibly tried to capture his land and on protest, he was assaulted and thereafter, present case has been lodged only with a view to save their skin from the aforesaid case. Allegation of assault and abuse by caste name is general and omnibus. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against appellants. Rest of the allegations are ornamental only to make the case grave. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well



as learned counsel for the informant vehemently opposed the bail application.

6. Considering backdrop of the case, nature of accusation and clean antecedent, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Special Judge, SC/ST (POA) Act, Muzaffarpur in ABP No. 4197 of 2023 arising out of Karja P.S. Case No. 276 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 03.01.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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