

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1131 of 2025

Arising Out of PS. Case No.-131 Year-2023 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. Jitendra Kumar Mishra S/O Mohar Mishra Resident of Vill.- Sisai, P.S.- Bhore, Dist.- Gopalganj.
 2. Yogendra Mishra S/O Mohar Mishra Resident of Vill.- Sisai, P.S.- Bhore, Dist.- Gopalganj.
 3. Upendra Mishra @ Upendra Kumar Misha S/O Mohar Mishra Resident of Vill.- Sisai, P.S.- Bhore, Dist.- Gopalganj.
 4. Suresh Mishra @ Surendra Mishra S/O Naresh Mishra Resident of Vill.- Sisai, P.S.- Bhore, Dist.- Gopalganj.
 5. Ram Nakshetra Mishra S/O Late Chandrika Mishra Resident of Vill.- Sisai, P.S.- Bhore, Dist.- Gopalganj.
 6. Meena Kuer W/O Late Harendra Mishra Resident of Vill.- Sisai, P.S.- Bhore, Dist.- Gopalganj.
 7. Manish Kumar Shrivastava S/O Late Mashusudan Srivastava Resident of Vill.- Sisai, P.S.- Bhore, Dist.- Gopalganj.

... .. Appellants

Versus

1. The State of Bihar
2. Mohan Lal Sah S/O Late Tapesar Sah Resident of Vill.- Sisai Mauza, P.S.- Bhore, Dist.- Gopalganj.

... .. Respondents

Appearance :

For the Appellants	:	Mr. Ansul, Sr. Advocate Mr. Vyas Kumar Mishra, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the Resp. No.2	:	Mr. Jitendra Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 25-11-2025 Heard learned Senior Counsel for the appellants,

learned Special Public Prosecutor for the State and learned

counsel for the complainant / respondent no.2.



2. This appeal is preferred against the order dated 12.02.2025 passed by the learned Additional Sessions Judge, XI-cum- Exclusive Special Judge, S.C./S.T. Act, Gopalganj, in connection with Complaint Case No.131 of 2023 registered for the offence under sections 323, 341, 504/34 of the Indian Penal Code and under sections 3(1)(r)(s) of the S.C./S.T. Act, by which the prayer of the appellants for grant of anticipatory bail has been rejected.

3. It is alleged that while the complainant, who is a retired school teach, was attending the nature's call on the road side, the appellants came and abused him by saying his caste name and they also assaulted the complainant with sticks.

4. Learned Senior Counsel for the appellants submits that the appellants and the complainant are next door neighbours and they all reside in the same vicinity. He has emphasized that the falseness of the complaint petition is evident since one of the witnesses namely, Daya Ram Gond had submitted an affidavit before the Special Court denying his statement.

5. Learned Senior Counsel for the appellants also submits that the real story is that the complainant wanted to purchase the land of the appellants, which is situated near his



house and when the appellants refused to sale their land, this false and fabricated case has been lodged against the appellants in order to pressurize them.

6. Learned Senior Counsel for the appellants advertising to a certificate issued by the Headmaster of Co-operative High School-cum-Inter College, Koyladeva, Gopalganj, has submitted that on the date and time of the alleged incident, the appellant no.2 was present in his school.

7. Learned Special Public Prosecutor for the State and learned counsel for the complainant opposed the prayer of the appellant for grant of bail.

8. I have considered the submissions of the parties. On perusal of the record, I find substance in the submissions of learned counsel for the appellants. Accordingly, this appeal is allowed and the impugned order dated 12.02.2025 is set aside.

9. Let the appellants above-named, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, XI-cum-Exclusive Special Judge, Gopalganj / concerned Court, in



connection with Complaint Case No.131 of 2023, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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