

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4735 of 2024**

Arising Out of PS. Case No.-241 Year-2024 Thana- TEKARI District- Gaya

Shivendra Mishra @ Sivendra Kumar Mishra S/o Late Indradeo Mishra R/o
Village- Chiraili, PS- Tekari, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Soni Devi W/o Sanjay Manjhi @ Chodhi Manjhi R/o Village - Chirauli, PS-
Tekari, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bhaskar Shankar, Adv.
For the Respondent/s	:	Mr. Binay Krishna, APP
For the Informant/s	:	Mr. Vishwa Ranjan Chaudhary, Adv.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 27-03-2025 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, (hereinafter in short referred to as the SC/ST
Act) against the refusal of prayer of bail *vide* order dated
06.08.2024 passed by the learned Exclusive Special Judge,
SC/ST Court, Gaya in B.P. No. 2102 of 2024 arising out of
Tekari P.S. Case No. 241 of 2024 dated 05.06.2024 registered
for the offence/s punishable u/s 307, 354, 341, 323, 324, 325,
326, 504, 506, 147, 148, 149 of the Indian Penal Code and



Section 27 of the Arms Act and Sections 3(1) (r), 3(1)(s), 3(1) (w), 3(2) (va) of the SC/ST Act.

3. As per the prosecution case, on 05.06.2024 at about 6 A.M., the informant was repairing mud wall of his house, in the meantime, the appellant and the co-accused Damodar Mishra, Bali Ram Mishra, Manoj Kumar, Ravi Kumar Mishra, Ravi Raj Mishra, Anand Bhardwaj, Alok Bhardwaj @ Tinku came there armed with lathi, iron rod and *gada* and started abusing the informant by caste indicative words and demolished her mud wall. On being opposed by the informant's husband, the co-accused Ravi Raj Mishra caught hold of the informant's hair and dashed her on the ground and started assaulting her with lathi and iron rod. When the informant's husband tried to rescue his wife then the co-accused Alok Bhardwaj started assaulting him with lathi and *gada* due to which his hand got brutally injured. It is further alleged that the co-accused Anand Bhardwaj and Ravi Raj Mishra started firing on them with pistol and threatened to kill the informant and their family members.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per the FIR, no member of the public was present at the relevant point of time of the incident. Learned



counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. There is land dispute in between both the parties. The specific allegation of assault to Sanjay Manjhi has been attributed to the co-accused Alok Bhardwaj @ Tinku. Both sides have got injured. There is case and counter case between the parties and the appellant side also lodged an F.I.R. bearing Tekari P.S. Case No. 242 of 2024 against the informant. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 05.06.2024. The co-accused has been granted regular bail by this Court vide order dated 06.02.2025 passed in Cr. APP(SJ). No. 4592 of 2024.

5. Learned Spl. P.P. for the State and learned counsel for the informant have vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 06.08.2024 passed by the learned Exclusive Special Judge, SC/ST Court, Gaya in B.P. No. 2102 of 2024 arising out of Tekari P.S. Case No. 241 of 2024 is set aside against the appellant. The criminal appeal is allowed.



7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Court, Gaya in B.P. No. 2102 of 2024 arising out of Tekari P.S. Case No. 241 of 2024.

8. Accordingly, the appeal stands allowed.

(Chandra Prakash Singh, J)

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