

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.83 of 2024

Arising Out of PS. Case No.-55 Year-2023 Thana- SC/ST District- Gaya

PAWAN MISTRI son of Late Shivnandan Mistri Village- Sanaut ke Tola
Bageralipur Ps- Muffasil Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Kunti Devi wife of Pappu Manjhi Village- Dohari Ps- Muffasil Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Syed Asgher Najmi, Mr. Ashutosh Kumar Mishra, Advocates
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 24-11-2025 Despite valid service of notice, none appears on
behalf of the respondent no. 2.

2. Heard learned counsel for the appellant and the
State.

3. This appeal has been filed against the order dated
25.11.2023 passed by learned Exclusive Special Judge, SC/ST
Spl. Court, Gaya in ABP No. 397 of 2023 arising out of SC/ST
P.S. Case No. 55 of 2023 registered under Sections 341, 323,
354(B), 448, 504, 506/34 of the Indian Penal Code and Section
3(1)(r)(s)(w) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, whereby the prayer for
anticipatory bail of appellant has been rejected.

4. As per prosecution case, on 10.09.2023 at about 5



PM, this appellant along with co-accused Shivnand Mistri trespassed into the house of informant and caught hold of her with bad intention. When informant protested, the accused abused her in filthy language by caste name and threatened to dispossess her from the land.

5. Learned counsel for the appellant submits that both parties are co-villagers and due to land dispute, this false and concocted case has been lodged against appellant. As per F.I.R., the alleged incident occurred on 10.09.2023 but F.I.R. was lodged after inordinate delay of 21 days which itself falsifies the prosecution story. Alleged incident took place inside the house of informant and not within public view, as such, no case under SC/ST Act is made out against the appellant. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Spl. Court, Gaya in ABP No. 397 of 2023



arising out of SC/ST P.S. Case No. 55 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 25.11.2023 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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