

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.65 of 2024

Arising Out of PS. Case No.-200 Year-2023 Thana- LADANIA District- Madhubani

Chandan Kumar Mishra @ Chandan Son of Late Bhageshwar Mishra R/o vill
- Padma, P.S. - Ladaniya, Distt. - Madhubani

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Mangal Ram Son of Raslal Ram R/o vill - Padma, P.S. - Ladaniya, Distt. - Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Madhumita singh, Advocate Mr. Ratnakar Jha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-07-2025 Heard learned counsel for the parties. Despite valid service of notice , nobody appears on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 28.11.2023 passed in a case registered for the offence punishable under sections 341 , 323 , 307, 504, 506 and 34 of the Indian Penal Code and sections 3(i) (r) 2 (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , informant namely Magal Ram, alleged that on 21.07.2023 at around 7' O Clock,



this appellant in an intoxicated condition abused father of informant by caste name and when he protested, appellant assaulted him with woodchopper on his head, due to which he got 5 to 6 cut injuries. It is further alleged that co-accused Shivanand Mishra also assaulted father of informant.

4. It is submitted that appellant is innocent and has committed no offence . Both parties are co-villagers and due to petty dispute , a simple occurrence of maarpeet took place in between the parties. Allegation of abuse by caste name and assault is general and omnibus. Injury allegedly caused by this appellant is simple in nature . It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5 . Learned Special Public Prosecutor for the State opposed the prayer for bail.

6. Considering the aforesaid facts, appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of 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 like amount each to



the satisfaction of learned Exclusive special Court SC / ST Act
Patna in connection with Ladania Police Station Case No. 200
of 2023 .

(Prabhat Kumar Singh, J)

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