

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1032 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -SC/ST District- JAMUI

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1. Satyanarayan Pandey, son of Late Thakur Pandey
 2. Amit Pandey @ Bajrangi Pandey
 3. Ashish Pandey @ Sonu @ Sonu Pandey
 4. Rahul Pandey

2 to 4 all are sons of Satyanarayan Pandey.

5. Pushpa Devi, w/o Satyanarayan Pandey.

All are resident of Village- Dirangi, P.S. Chakai, District- Jamui.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Satya Prakash Parasar

For the Respondent/s : Mr. Bipin Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 28-11-2016 Heard learned counsel for the appellants and
learned Additional Public Prosecutor for the State.

The appellants, above named, have been made
accused in Jamui S.C. and S.T. P.S. Case No. 01 of 2016,
registered for the offence punishable under Sections 406,
420, 341, 323, 504 read with Section 34 of the Indian Penal



Code and Section 3 (i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The appellants are aggrieved by an order, dated 27.06.2016, passed by the learned 1st Additional District Judge (Special Judge), Jamui, in ABP No. 599 of 2016, whereby, their application for grant of anticipatory bail has been rejected.

Learned counsel, appearing on behalf of the appellants, assailing the impugned order, has submitted that learned court below failed to appreciate that even on the basis of allegation made in the First Information Report, no offence, under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is made out and, therefore, the appellants ought to have been given the privilege of anticipatory bail.

I have perused the First Information Report. It is alleged that the informant had sold he-goat to appellant No. 1 for a sum of Rs. 3,500/-, out of which he had paid only Rs. 1,000/- and when the informant was making demand for payment of rest of the amount, the appellants abused him by taking his caste name and assaulted him.

Learned counsel for the appellants appears to be right in his submission that there is no allegation in the First Information Report that the occurrence had taken place within the public view rather, as per the First Information

Report, the place of occurrence is the residence of the appellants.

Considering the above, this appeal deserves to be allowed and it is, accordingly, allowed. The order, dated 27.06.2016, passed by learned 1st Additional District Judge (Special Judge), Jamui, in ABP No. 599 of 2016, is set aside.

Let the appellants, above named, in the event of their arrest or surrender before the court below within six weeks, 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 Chief Judicial Magistrate-Ist, Jamui**, in connection with **Jamui S.C. and S.T. P.S. Case No. 01 of 2016**.

This is subject to the condition that the appellants shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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