

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.704 of 2016

Arising Out of PS.Case No. -126 Year- 2016 Thana -BUXAR MUFFSIL District- BUXAR

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1. Surendra Nath Pandey
2. Vijay Pandey @ Vijay Kumar Pandey
3. Ashok Pandey @ Ashok Kumar Pandey
4. Shatrughan Pandey All are sons of Late Ram Dular Pandey Residents of
village - Charitravan, Buxar, P.S. Buxar (M), District Buxar ...Appellant/s
Versus

1. The State of Bihar Respondent/s

Appearance :

For the Appellant/s : Mr. Rana Ishwar Chandra, Advocate
Mr. Ahteshyam Ahmad, Advocate
For the Respondent/s : Mr. Sri Sujit Kumar Singh, A.P.P.

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

3 19-11-2016 This application has been preferred under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 against the order dated 27.06.2016 passed by learned Additional Sessions Judge-I, Buxar-cum- Special Judge whereby the appellants' application for grant of anticipatory bail has been rejected.

Learned counsel for the appellants has referred to the First Information Report to submit that there is apparent civil dispute between the parties which has been mentioned in the First Information Report also and First Information Report has been lodged only to settle scores with the appellants, there being civil disputes between them. He has submitted that even if the allegations made in the First Information Report are treated to be true, no offence can be said to be made out against these

appellants, though there is exaggeration in the allegations made in the First Information Report.

It is very difficult to hold on the basis of what has been alleged in the First Information Report that no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act is made out. However, learned counsel for the appellants appears to be right in his submission that civil dispute between the parties may be the reason behind lodging of the First Information Report.

Considering the above, without interfering with the impugned order passed by the learned additional Sessions Judge-I, Buxar it is directed that if the appellants appear before the court below within three weeks from today, and apply for regular bail, their application shall be considered and decided on the same day. The Court, while considering the appellants' application for regular bail must keep in mind that there is civil dispute between the parties.

The appeal stands disposed of with the observation as aforesaid.

(Chakradhari Sharan Singh, J)

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