

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3364 of 2017

Arising Out of PS.Case No. -157 Year- 2017 Thana -DURGAWATI District- BHABHUA (KAIMUR)

- =====
1. Sanjay Pandey, Son of Sri Jokhan Pandey @ Jokhu Pandey,
 2. Dhiraj Pandey, Son of Gyan Pandey @ Gyan Kumar Pandey,
 3. Prakash Pandey @ Om Prakash Pandey, Son of Radhey Pandey @ Radha Krishna Pandey, All resident of Village - Gosaisipur, P.S.- Durgawati District - Kaimur (Bhabhua).

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pawan Kumar Singh

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 20-03-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge, Kaimur at Bhabua in Durgawati P.S. Case No. 157 of 2017 registered under Sections 341, 323, 307, 504/34 of the Indian Penal Code as well as Section 3(i)(r) of the SC/ST Act.

A land dispute is going on between the parties which would be evident from perusal of the copy of the petition of C.W.J.C. No. 3406 of 1988. In the aforesaid background, allegation is that when the informant was returning to his village,



the appellants intercepted on the way and abused by taking caste name and committed assault.

Submission is that just to pressurize in the land dispute, false allegation has been levelled and this is case of abuse of process of the law.

Considering the background of allegation, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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