

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.311 of 2018

Arising Out of PS.Case No. -87 Year- 2017 Thana -CHENARI District- SASARAM (ROHTAS)

- =====
1. Ram Lila Pandey S/o Dukhi Pandey @ Ramendra Pandey
 2. Vinit Shankar Pandey @ Bhanu Pandey S/o Chhotan Pandey @ Ramashray Pandey
 3. Chhotan Pandey @ Ramashray Pandey S/o Late Mahesh Pandey All are Resident of Village-Khurmabad, P.S.-Chenari, District-Rohtas.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhaskar Shankar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 16-02-2018

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 Additional Sessions Judge-I, Rohtas at Sasaram in Chenari P.S. Case No. 87 of 2017 registered under Sections 341, 323, 324, 448, 504, 506/34 of the Indian Penal Code as well as Section 3(i)(r)(s) of the SC/ST Act.

The FIR does not disclose any offence committed in public view. Hence, bar under Section 18 of the SC/ST is not available to entertain the prayer for anticipatory bail.

So far allegation of the Indian Penal Code is



concerned, appellant Ram Lila Pandey, allegedly, assaulted with *farsa* causing injury at the head of the informant.

The Doctor has found lacerated wound caused by hard blunt substance, simple in nature.

Considering the fact that the appellant Ram Lila Pandey has knowledge that his act might cause death, I am not inclined to enlarge him on bail.

In the event of surrender of the appellant Ram Lila Pandey, the court below shall be not prejudiced by this order and shall consider that the parties have entered into a compromise.

Other appellants Vinit Shankar Pandey @ Bhanu Pandey and Chhotan Pandey @ Ramashray Pandey are directed to be released on bail, 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, 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 appellant no. 2 and 3 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 appellant no. 2 and 3.

Accordingly, this appeal stands disposed of.

(Birendra Kumar, J)

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