

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 2389 of 2018

Arising Out of PS.Case No. -37 Year- 2017 Thana -SC/ST District- VAISHALI(HAJIPUR)

- =====
1. Ajay Kumar Pandey @ Ajay Pandey, S/o Brahmdeo Pandey,
 2. Nitesh Pandey, Son of Binay Pandey, Both resident of Village - Bafapur
Banthu, P.S - Bhagwanpur, District - Vaishali.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-10-2018

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 vide order dated 07.05.2018 in ABP No. 703 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Vaishali at Hajipur in connection with Hajipur SC/ST P.S. Case No. 37 of 2017 registered under Sections 341, 323, 504, 354, 379/34 of the Indian Penal Code as well as Sections 3(i)(r), 3(i)(s) of the SC/ST Act.

Nitesh Pandey, appellant no. 2 executed a registered sale deed in favour of Smt. Archana Mishra and Sudhansu Kumar Mishra. On that sale deed, informant of this case was a witness. Father



of appellant Nitesh Pandey lodged Complaint Case No. 1929 of 2017 against the purchaser and the witness alleging therein that forged and fictitious sale deed was created as the transferor had no title over the transferred land. In the background of aforesaid factual position and relation between the parties, allegation is that the appellants intercepted the informant on the way and committed abuse by taking caste name as well as assault and theft etc.

Learned Special Public Prosecutor opposed the prayer for bail.

Since the informant has suppressed 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/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court



below.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	08.10.2018
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