

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2404 of 2018

Arising Out of PS. Case No.-410 Year-2017 Thana- GARKHA District- Saran

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1. Mukesh Narayan Pandey @ Mukesh Kumar Pandey @ Mukesh Pandey, S/o Sudesh Pandey @ Sudish Pandey,
 2. Sudesh Pandey @ Sudish Pandey, S/o Ram Sewak Pandey, Both are R/o Village- Kewani, P.S.- Garkha, District- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP-245

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-09-2018

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 25.04.2018 passed by the learned 1st Additional Sessions Judge, Saran at Chapra in A.B.P. No.1079 of 2018, arising out of Garkha Police Station Case No.410 of 2017 registered under Sections 341, 323, 504/34 of the Indian Penal Code and Sections 3 (1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant No.1, *Mukesh Narayan Pandey @ Mukesh Kumar Pandey @ Mukesh Pandey* has already been arrested.



Hence, his prayer for anticipatory bail has become infructuous now.

Allegation against appellant No.2, *Sudesh Pandey @ Sudish Pandey* is that when the informant fell down after sustaining injury at the hands of the accused persons, appellant, *Sudesh Pandey @ Sudish Pandey* caused injury with spade near the waist. The Doctor has found incised wound at the waist of the informant simple in nature. Land dispute is the reason behind the occurrence.

Considering the entire facts and nature of allegation, in my view, this is not a fit case for grant of anticipatory bail. Hence, appellant No.2, *Sudesh Pandey @ Sudish Pandey* may surrender and pray for regular bail within three weeks, which would be disposed of without being prejudiced by this order.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

abhishek/-

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