

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.606 of 2019**

Arising Out of PS. Case No.-57 Year-2018 Thana- SURYAPUR District- Rohtas

1. PARMATMA PANDEY @ GHURA PANDEY S/o Late Shivnath Pandey @ Mahadeo Pandey
2. Deepak Pandey @ Ghuthani Pandey S/o Sri Parmatma Pandey @ Ghura Pandey
3. Pawan Pandey S/o Late Shivnath Pandey @ Mahadeo Pandey
Appellant nos. 1 to 3 are resident of village-Dabriyan, P.S-Surypura(Surajpura), District Rohtas.
4. Vikas Pandey @ Vikash Pandey S/o Sri Radhey Shyam Pandey @ Radheshyam Pandey @ Radhe Shyam Pandey @ Radheshyam Pandey
Resident of village-Agrer Khurd (Agrer Kalan),P.S-Surypura (Surajpura), District Rohtas.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No 13
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 16-04-2019

Heard the parties.

In view of submission of the learned counsel for the appellants that the appellant no.1 Parmatma Pandey @ Ghura Pandey has been arrested during the pendency of this appeal, as such this appeal against the appellant no.1 is dismissed as withdrawn.

So far appellant nos. 2 to 4 are concerned, they are apprehending their arrest in connection with Surypura (Surajpura) P.S.Case No.57 of 2018 dated 11.5.2018, registered for offences



punishable under Sections 341, 323, 379, 307, 506, 504, 386/34 of the Indian Penal Code , Section 27 of the Arms Act and Section 3(1)(r)(s) of Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act.

So far appellant nos. 2 to 4 is concerned, allegation against appellant no.1 Parmatma Pandey @ Ghura Pandey is of demanding Rs.1,000/- from the informant as 'Rangdari' for cutting 'Bhusa' and while on 11.05.2018, he was carrying 'Bhusa' on the tractor, the appellants and other accused persons came and appellant Parmatma Pandey asked him as to why he is not paying 'Rangdari' and they fired upon him, which did not hit anybody and he abused the labourers by caste name.

Submission of the learned counsel for the appellant nos. 2 to 4 is that as a matter of fact earlier to lodging of this case, the son of the appellant had lodged a case against the informant under Section 308 and other Sections of the IPC and for that the present case has been lodged. The informant is himself not Scheduled Caste rather it is alleged that the labourers were of SC/ST community, who have been abused.

Heard learned Spl.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellants, above named, in



the event of arrest or surrender before the learned Special Judge within a period of six weeks from the date of receipt of the order be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge -I, Rohtas at Sasaram in connection with Registered Case No.151 of 2018 arising out of Suryapura (Surajpura) P.S.case No.57 of 2018, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This appeal is allowed and the impugned order is set aside with respect to appellant nos.2 to 4.

Accordingly, this appeal is disposed of.

(Vinod Kumar Sinha, J)

chn/-

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Uploading Date	
Transmission Date	

