

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1477 of 2019**

Arising Out of PS. Case No.-146 Year-2018 Thana- KHAJAULI District- Madhubani

PANKAJ SINGH @ PANKAJ KUMAR SINGH Son of Tapendra Narayan  
Singh Resident of Village - Datuaar, P.S.- Khajauli, Distt - Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Ravindra Kumar Singh  
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

ORAL ORDER

5      22-07-2019                      Heard learned counsel for the appellant and learned  
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 07.02.2019 passed by learned 1<sup>st</sup> Addl. Sessions Judge, Madhubani in Khajauli P.S. Case No. 146 of 2018 registered under Sections 147, 148, 149, 341, 323, 307, 448, 427, 504 and 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s) / 3(2)(va) of the SC/ST Act.

On protest made by the informant on taking photograph of his sister by Shakti Singh in the temple, Shakti Singh slated him in the name of his caste and slapped him. Accused did not oblige the verdict of the Panchayat and on



20.08.2018 in the night, all the 25 named accused persons including the appellant assaulted the villagers of the informant namely Saroj Mandal and Vijay Mandal and damaged asbestos and window by intruding into the house of Vijay Mandal. They also resorted several rounds of firing but the informant and others left unhurt.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The only allegation against the appellant is that he along with other accused persons had assaulted Saroj Mandal and Vijay Mandal and damaged asbestos and window of the Vijay Mandal. Aforesaid allegation is not specific rather general and omnibus in nature. The victims have not sustained any injury in the occurrence as there is no injury report on the record and learned lower court has also not referred about any injury report after perusing the case diary in the impugned order. Aforesaid victims are not member of SC/ST community. Hence no offence under SC/ST Act is made out against the appellants.

Learned Spl. PP for the State opposed the prayer for



bail.

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-I, Madhubani in connection with Khajauli P.S. Case No. 146 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

**(Prakash Chandra Jaiswal, J)**

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