

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1897 of 2019**

Arising Out of PS. Case No.-17 Year-2019 Thana- TARARI District- Bhojpur

Lakhan Pandey Son of Jagdish Pandey, Resident of vill- Bhakura, P.S. Tarari,
District- Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar

For the Respondent/s : Mr.Binay Krishna

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

ORAL JUDGMENT

Date : 17-05-2019

Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail vide order dated 28.03.2019 passed by learned Special Judge, Excise Act, Bhojpur at Ara in Excise Case No. 277 of 2019 arising out of Tarari P.S. Case No. 17 of 2019 registered under Sections 341, 307, 447, 504 and 506/34 of the Indian Penal Code, Sections 3(1)(r)(s)/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Sections 25(1-b)a, 26, 27 and 35 of the Arms Act and Sections 37(b)(c) of the Bihar Prohibition and Excise Act.



Appellant and co-accused Golu Pandey are said to have demanded back Rs. 15000/- taken by the informant in inebriated condition slating him and on protest made by the informant, Golu Pandey resorted firing in air. On the congregation of the villagers, Golu Pandey was apprehended while the appellant Lakhan Pandey taking pistol from Golu Pandey made good his escape and after concealing the same he again arrived there and was apprehended by the villagers. Informant and villagers recovered two live cartridges and two empty cartridges from their possession and informant handed over the same to the police.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. No incriminating article has been recovered from the conscious physical possession of the appellant. He has been falsely implicated in the case at the instance of his enemy. There is no allegation of slating the informant by the appellant in the name of his caste, hence no offence under SC/ST Act is made out. Aforesaid empty and live cartridge were seized from the possession of the appellant and co-accused not by the police rather by the informant and the same were produced before the police by the informant. Appellant has no criminal antecedent



and has been languishing in custody since 13.02.2019

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Bhojpur at Ara in connection with Excise Case No. 277 of 2019 arising out of Tarari P.S. Case No. 17 of 2019.

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

(Prakash Chandra Jaiswal, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	18.05.2019
Transmission Date	18.05.2019

