

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1797 of 2019

Arising Out of PS. Case No.-85 Year-2017 Thana- JALALPUR District- Saran

1. Shubham Pandey @ Shubham Kr Pandey Son of Shailesh Pandey @ Shailesh Kr. Pandey Resident of Village - Kishunpur, P.S.- Jalalpur, Dist.- Saran.
2. Sachin Pandey @ Sachin Kr. Pandey Son of Shailesh Pandey @ Shailesh Kr. Pandey Resident of Village - Kishunpur, P.S.- Jalalpur, Dist.- Saran.
3. Sumit Pandey @ Sumit Kr. Pandey Son of Shailesh Pandey @ Shailesh Kr. Pandey Resident of Village - Kishunpur, P.S.- Jalalpur, Dist.- Saran.
4. Shailesh Pandey @ Shailesh Kr. Pandey Son of Harishankar Pandey Resident of Village - Kishunpur, P.S.- Jalalpur, Dist.- Saran.
5. Amir Pandey Son of Harishankar Pandey Resident of Village - Kishunpur, P.S.- Jalalpur, Dist.- Saran.
6. Sushil Kumar Pandey @ Sushil Pandey Son of Late Bir Bahadur Pandey Resident of Village - Kishunpur, P.S.- Jalalpur, Dist.- Saran.
7. Adarsh Pandey @ Adarsh Kr. Pandey Son of Amir Pandey Resident of Village - Kishunpur, P.S.- Jalalpur, Dist.- Saran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar Singh
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 05-07-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The appellants seek pre-arrest bail in connection with Jalalpur P.S. Case No. 85 of 2017 registered under Sections 341, 323, 354, 379, 504 & 506/34 of the Indian Penal Code and Section 3 (1) (r)/3 (2) (va)/3 (1) (w) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act,



1989.

Over row of damaging the mango tree all the accused persons descended at the house of the informant and appellant Shailesh Pandey @ Shailesh Kumar Pandey and Amir Pandey slated her in the name of her caste. They assaulted her and Shubham Pandey tore her attire. The bone of contention is said to be dispute regarding the Gair Mazarua land.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to land dispute. There is case and counter case between the parties. Informant has not sustained any injury. There is no allegation of slating the informant in the specific name of his caste against the appellants, except appellant nos.4 & 5. Hence, no offence under Section SC/ST Act is made out against the appellants, except appellant nos.4 & 5. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants, barring appellant no.4-Shailesh Pandey @ Shailesh Kr. Pandey and appellant no.5-Amir Pandey, in the



event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge SC/ST (POA) Act, Saran at Chapra in connection with Jalalpur P.S. Case No.85 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

As there is specific allegation of slating the informant in the name of her caste in the public view against appellant no.4-Shailesh Pandey @ Shailesh Kumar Pandey and appellant no.5-Amir Pandey, their prayer for bail is hereby rejected. However, they are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the very date of surrender.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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