

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1953 of 2019**

Arising Out of PS. Case No.-73 Year-2018 Thana- RAJAPAKAR District- Vaishali

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PANKAJ KUMAR Son of Parmanand Singh @ Yaduveer Singh Resident of
Village - Rajapakar Rajputan Tola, P.S.- Rajapakkar, District- Vaishali

... .. Appellant/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Vasant Vikas, Advocate.
For the Respondent/s : Mr.Binay Krishna, Spl..P.P.

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

ORAL ORDER

3 09-07-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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 18.02.2019 passed by learned 1st Additional Sessions Judge, Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 73 of 2018, registered under Sections 147, 148, 149, 341, 323, 379, 427, 337, 504, 506 of the Indian Penal Code and and 27 of the Arms Act also under Section 3 (i) (R), 3 (i) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellant along with other named accused persons are said to have slated the informant and others in the name of their caste during course of arrival of Barat Party at the door and they assaulted them by means of Lathi, Danda due to which several persons were injured and one Rohit Kumar resorted firing by means of country made pistol but none has sustained firearm injury in the occurrence.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics. Regarding the same occurrence police has also lodged one case vide Rajapakkar P.S. Case No. 73 of 2018 against the appellant and others and appellant has been enlarged on bail in the said case. Moreover, allegation of slating and assault levelled against the appellant is not specific rather general and omnibus in nature. Similarly, situated several co-accused persons have been enlarged on bail by different co-ordinate Bench of this Court passed in Criminal Appeal (SJ) No. 2415 of 2018 vide order dated 10.09.2018 and Criminal Appeal (SJ) No. 4381 of 2018 vide order dated 16.01.2019.



Learned Spl. P.P. 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 in the event of his arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Vaishali at Hajipur in connection with Rajapakkar P.S. Case No. 73 of 2018, subject to 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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