

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2441 of 2019

Arising Out of PS. Case No.-31 Year-2019 Thana- HASPURA District- Aurangabad

1. ANIL PANDEY Son of Shatrughan Pandey Resident of Village - Pandey Bigha, P.S.- Haspura, District - Aurangabad.
2. Premnath Pandey Son of Anil Pandey Resident of Village - Pandey Bigha, P.S.- Haspura, District - Aurangabad.
3. Bikash Pandey Son of Munna Pandey @ Munna Kumar Resident of Village - Pandey Bigha, P.S.- Haspura, District - Aurangabad.
4. Sanjay Pandey @ Sanjay Kumar Pandey Son of Late Krishna Pandey Resident of Village - Pandey Bigha, P.S.- Haspura, District - Aurangabad.
5. Varoon Pandey@ Varun Kumar Son of Dinesh Pandey Resident of Village - Pandey Bigha, P.S.- Haspura, District - Aurangabad.
6. Suresh Pandey Son of Late Raghubansh Pandey Resident of Village - Pandey Bigha, P.S.- Haspura, District - Aurangabad.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar
For the Respondent/s : Mr. Binay Kumar (App)

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 25-07-2019 Heard learned counsel for the appellants 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 02.04.2019 passed by learned 1st Additional Sessions Judge POCSO, Aurangabad in connection with



Haspura (SC & ST) P.S. Case No. 31 of 2019 registered under Sections 147, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On not joining the spiritual discourse and worship by the informant co-accused Ajit Pandey slated him in the name of his caste on the way and also assaulted him. When his family members came in his rescue responding hulla made by him, all other named accused persons assaulted them by means of lathi and rod and made them injured.

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 animosity. As a matter of fact, during the course of worship and the spiritual discourse informant party started pelting stone to disturb it and several persons were injured in the said occurrence. Co-villager lodged a case against the informant and in order to save his skin from the said case the informant has lodged this false and frivolous case against the appellants later on. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Both sides have sustained injury in the occurrence.



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

In the facts and circumstances of the case, the above named appellants, 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 Additional Sessions Judge POCSO, Aurangabad in connection with Haspura (SC & ST) P.S. Case No. 31 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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