

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2268 of 2019

Arising Out of PS. Case No.-137 Year-2018 Thana- SURYAPUR District- Rohtas

1. BIR BAHADUR PANDEY Son of Late Brij Bihari Pandey Resident of Village - Kharoj, P.S.- Suryapura, District- Rohtas
2. Himanshu Pandey Son of Bir Bahadur Pandey Resident of Village - Kharoj, P.S.- Suryapura, District- Rohtas
3. Swaminath Pandey Son of Late Dukhan Pandey Resident of Village - Kharoj, P.S.- Suryapura, District- Rohtas

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Umesh Narayan Dubey
For the Respondent/s	:	Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 12-07-2019 Heard learned counsel for the appellants 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 26.04.2019 passed by learned 1st Addl. District and Sessions Judge, Sasaram in Suryapura P.S. Case No. 137 of 2018 registered under Sections 341, 323, 504/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act.

Appellants are said to have slated the informant in the name of his caste and also assaulted him.

It is submitted by learned counsel for the appellants



that no such occurrence as alleged ever took place. As a matter of fact, informant happens to be servant of Niranjana Upadhyay and appellants have lodged a case under Section 302 IPC against the aforesaid Niranjana Upadhyay and others and in order to mount pressure upon the appellants, said Niranjana Upadhyay has got this false and frivolous case lodged against the appellants through his servant namely Golu Kumar (informant). The allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants have not committed any such offence. They have no criminal antecedent.

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 appellants, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. District and Sessions Judge, Sasaram, Rohtas in connection with Suryapura P.S. Case No. 137 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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