

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2754 of 2019**

Arising Out of PS. Case No.-258 Year-2019 Thana- BODHGAYA District- Gaya

PANKAJ KUMAR Son of Mahesh Yadav Resident of Village- Diranwa Tola,
Chamari, Bigha, Police Station- Cherki (Bodh Gaya), District- Gaya.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No2
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

2 11-07-2019 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 bail vide order dated 20.06.2019 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Body-Gaya P.S. Case No. 258 of 2019, registered under Sections 341, 323, 354, 379, 504 and 506 of the Indian Penal Code and also under Section 3 (i) (r) (s) (w) (u) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant is said to have pulled shawl of the daughter



of the informant and passed indecent remark on her and on protest made by the daughter and son-in-law of the informant he slated them in the name of their caste. He also assaulted his son-in-law by means of fists.

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 rivalry between two communities. He happens to be a student. None has sustained injury in the occurrence. Occurrence is said to have at 10.30 A.M. in the village, hence it cannot be said to have been made in the public view. He has no criminal antecedent. He has been languishing in custody since 10.6.2019.

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 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 Exclusive Special Judge, SC/ST (POA) Act, Gaya in connection with Body-Gaya P.S. Case No. 258 of 2019, subject to condition that in case the appellant is found indulged in such



type of occurrence in future his bail bond shall stand cancelled.

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

(Prakash Chandra Jaiswal, J)

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