

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3044 of 2019

Arising Out of PS. Case No.-143 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

1. Manish Pandey Son of Upendra Pandey Resident of Village - Dhapar, P.S.-
Runni Saidpur, Dist.- Sitamarhi.
2. Chandan Pandey Son of Upendra Pandey Resident of Village - Dhapar, P.S.-
Runni Saidpur, Dist.- Sitamarhi.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Birendra Kumar
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

5 30-08-2019

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 20.06.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Sitamarhi in connection with Runni Saidpur P.S. Case No.143 of 2019 registered under Sections 341, 323, 427, 504 and 34 of the Indian Penal Code and Section 3(1) (r) (s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On not giving the liquor to the informant by



Manish Pandey (appellant no.1) at his shop and giving threatening to get him apprehended by the police on 09.04.2019, when the informant was vending the iron ring in the market, appellants and two other accused persons slated him in the name of caste and damaged his motorcycle and assaulted him by means of lathi.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have no concern with the aforesaid occurrence. As a matter of fact, the informant and other accused persons had assaulted father of one Ajay Kumar and when he took shelter in the shop of the appellant all the accused persons intruding into his shop looted away cash from cash box and on protest made by the appellant Manish Pandey they gave him chase to assault and on the way finding his uncle Shyam Sundar Pandey, accused of this case assaulted him by means of rod inflicting head injury to him. Regarding the same occurrence co-villager Ajay Kumar lodged Runni Saidpur P.S. Case No.149 of 2019 and, in order to save skin from the said case, the informant has lodged this false and frivolous case against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not 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 released 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 cum Special Judge SC/ST Act, Sitamarhi in connection with Runni Saidpur P.S. Case No.143 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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