

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3425 of 2019

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

AJIT KUMAR PANDEY @ AJIT PANDEY S/o Shatrudhan Pandey R/o
village- Pandey Bigha, P.S.- Haspura, District- Aurangabad

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar, Advocate
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 16-11-2019 Heard the learned counsel for the appellant and
the Spl. PP for the State.

The appellant has challenged the order dated 04.07.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Aurangabad in A.B.P. No. 720 of 2019 arising out of Haspura P.S. Case No. 31 of 2019, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences under Sections 307, 341, 323, 324, 504, 506, 147 and 149 of the Indian Penal Code and Sections (i)(r)(s) of the SC/ST (POA) Act has been rejected.

The allegation against the appellant is of having abused the informant for not having participated in a religious function. The appellant as well as others are



said to have assaulted the informant and others.

Learned counsel for the appellant has submitted that the appeal of some of the other accused persons has been allowed vide order dated 25.07.2019 passed in Criminal Appeal (SJ) No. 2441 of 2019. It has further been submitted that assuming but not admitting the accusation in the FIR to be true, had the appellant intended to insult the informant, he would have prevented him from participating in the religious function and would not have shouted at him or assaulted him for not having attended such function.

Thus, it appears that the real dispute lies elsewhere and deliberately such an accusation has been levelled so as to prevent the appellant from taking the advantage of anticipatory bail. It further appears that there is a counter version of the occurrence where some of the persons who are said to be associates of the informant are alleged to have tried to disturb the religious function about which reference has been made in the subject FIR as well.

Considering the aforestated facts, the appeal is allowed. The impugned order dated 04.07.2019 is set aside.

The appellant is directed to surrender before the court below within a period of three weeks,



whereupon he shall be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Aurangabad in A.B.P. No. 720 of 2019 arising out of Haspura P.S. Case No. 31 of 2019.

(Ashutosh Kumar, J)

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