

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4570 of 2019

Arising Out of PS. Case No.-63 Year-2018 Thana- COMPLAINT CASE District- Supaul

1. Baidyanath Pandit @ Baijnath Pandit Son of Late Gonar Pandit Resident of Village- Piluwaha (Piluaha), P.S.- Jadiya, District- Supaul.
2. Bhola Pandit Son of Late Gonar Pandit Resident of Village- Piluwaha (Piluaha), P.S.- Jadiya, District- Supaul.
3. Singheshwar Pandit Son of Late Gonar Pandit Resident of Village- Piluwaha (Piluaha), P.S.- Jadiya, District- Supaul.
4. Ram Narayan Pandit Son of Late Gonar Pandit Resident of Village- Piluwaha (Piluaha), P.S.- Jadiya, District- Supaul.
5. Bisho Pandit @ Bishwanath Pandit Son of Late Gonar Pandit Resident of Village- Piluwaha (Piluaha), P.S.- Jadiya, District- Supaul.
6. Raj Kishore Pandit Son of Bhola Pandit Resident of Village- Piluwaha (Piluaha), P.S.- Jadiya, District- Supaul.
7. Nawal Kishore Pandit Son of Bhola Pandit Resident of Village- Piluwaha (Piluaha), P.S.- Jadiya, District- Supaul.
8. Akhilesh Pandit Son of Singheshwar Pandit Resident of Village- Piluwaha (Piluaha), P.S.- Jadiya, District- Supaul.
9. Mithlesh Pandit Son of Singheshwar Pandit Resident of Village- Piluwaha (Piluaha), P.S.- Jadiya, District- Supaul.
10. Raghunath Pandit Son of Baidyanath Pandit Resident of Village- Piluwaha (Piluaha), P.S.- Jadiya, District- Supaul.
11. Roushan Pandit Son of Vidyanand Pandit Resident of Village- Laxminiya, P.S. Triveniganj, District- Supaul.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Agamlal Sardar Son of Late Babuji Sardar Resident of Village- Piluwaha (Piluaha), P.S.- Jadiya, District- Supaul.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 08-11-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.



This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 28.08.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Supaul in Complaint Case No. SC/ST 63C of 2018 registered under Sections 147, 148, 149, 323, 341, 427, 447, 504 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(e)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Twelve named accused persons including the appellants armed with weapons started ploughing the field of complainant. On forbidding them, Baidnath Pandit slating him in the name of his caste exhorted other accused persons to assault. Whereupon all the accused persons assaulted him by means of leg and fist. When the complainant anyhow managed to escape to his house, all the accused persons chasing him assaulted him at his house and Raghunath Pandit slating him in the name of his caste exhorted other accused persons to assault. Whereupon Rajkishore Pandit pulled his lungi and Vidyanand Pandit pointed gun on his chest extending threatening of dire consequence in case of arriving at the aforesaid field.

It is submitted by learned counsel for the appellants



that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to land dispute. Proceeding under Sections 144 and 145 is pending between the parties since two years back to the occurrence. Allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. Complainant in his S.A. has himself not stated about slating him in the name of his caste by the appellants rather added a word *Batarwa* on the suggestion of his learned counsel. There has been six days delay in filing the complaint petition without assigning any plausible explanation for the said delay. Appellants have no criminal antecedent.

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

In 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 learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Supaul in Complaint Case No. SC/ST 63C 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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