

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4725 of 2019**

Arising Out of PS. Case No.-25 Year-2019 Thana- CHANDAN District- Banka

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Pankaj Kumar @ Pankaj Yadav Son of Raj Kumar Yadav Resident of Village-
Pesraha, P.S.-Suiya, District-Banka.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Subhash Kumar Jha
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

2 08-11-2019 Heard learned counsel for the appellant 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 26.09.2019 passed by learned 1st Addl. Sessions
Judge, Banka in Chandan (Anandpur O.P.) P.S. Case No. 25 of
2019 registered under Sections 341, 323, 354/34 of the Indian
Penal Code and Section 3(1)(r)(s)(w) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was regressing to her house
from the school, appellant and one unknown miscreant arriving
there on the motorcycle from rear side intercepted her and



catching hold her hand started dragging her and on alarm made by the informant, they slapped her.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. As a matter of fact, the appellant and brother of the informant, namely, Kundan Paswan are classmate and some altercation took place between them during course of examination and said Kundan Paswan has lodged this false and frivolous case against the appellant through his sister (informant) with altogether wrong and concocted allegation to harass him. Allegation levelled against the appellant is not specific rather general and omnibus in nature. There has been delay of one day in lodging the FIR and the same has been sent to the court after three days indicating the aforesaid FIR ante dated. Appellant has 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 appellant be released on bail, in the event of his 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) with two sureties of the like amount



each to the satisfaction of learned 1st Addl. Sessions Judge,
Banka in Chandan (Anandpur O.P.) P.S. Case No. 25 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
appeal is allowed.

(Prakash Chandra Jaiswal, J)

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