

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5059 of 2019

Arising Out of PS. Case No.-210 Year-2019 Thana- JOGAPATTI District- West Champaran

1. VIJAY PANDE @ VIJAY PANDEY S/o Late Jagdish Pandey R/o Village- Amethiya, P.S.- Yogapatti, District- West Champaran.
2. Bhupnarayan Pandey S/o Late Jagdish Pandey R/o Village- Amethiya, P.S.- Yogapatti, District- West Champaran.
3. Vikash Pandey @ Vikash Kumar Pandey Son of Vijay Pande @ Vijay Pandey R/o Village- Amethiya, P.S.- Yogapatti, District- West Champaran.
4. Lav Pandey @ Lav Kumar Pandey S/o Bhupnarayan Pandey R/o Village- Amethiya, P.S.- Yogapatti, District- West Champaran.
5. Manish Pandey @ Manish Kumar Pandey S/o Bhupnarayan Pandey R/o Village- Amethiya, P.S.- Yogapatti, District- West Champaran.
6. Bhartendu Tiwari S/o Hardeo Tiwari @ Hardeo Pandey R/o Village- Amethiya, P.S.- Yogapatti, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 21-11-2019 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 8.10.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Bettiah, West Champaran in



connection with Yogapatti P.S. Case No. 210/2019 registered under Sections 341, 323, 324, 307, 354(B), 379, 506/34 of the Indian Penal Code and Section 3(i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Vijay Pandey started assaulting the brother of the informant due to land dispute near the government school and when the informant rushed in his rescue, nine named accused persons including said Vijay Pandey started extending threatening of dire consequence. Vijay Pandey assaulted on the head of the informant by means of Garasa while Golu Pandey, Tunit Pandey and Lalsaheb Pandey assaulted his brother, daughter-in-law and son by means of brick bat, who rushed in their rescue and Bhupnarayan Pandey snatched Rs.30,000/- from the pocket of his brother. Punit Pandey tore attire of his daughter-in-law.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, appellant Bhupnarayan Pandey has lodged Yogapatti P.S. Case No. 203/2019 against the informant and others preceding to the case under hand and in order to save the skin from the aforesaid case, informant has lodged this false and frivolous case against the appellants. Injury sustained by the



victims are simple in nature caused by hard blunt substance. Allegation of theft is super addition. Moreover, parties to the case have compromised the matter. Appellants have no criminal antecedent.

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 enlarged 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 learned 1st Additional Sessions Judge cum Special Judge, Bettiah, West Champaran in connection with Yogapatti P.S. Case No. 210/2019, 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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