

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.651 of 2020**

Arising Out of PS. Case No.-35 Year-2018 Thana- SC/ST District- Kaimur (Bhabua)

SUNIL KUMAR PANDEY Son of Ram Prasad Pandey Resident of Village -
Patriha, P.S.- Bhagwanpur, District- Kaimur (Bhabua)

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandra Mohan Jha
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 05-10-2020 Heard learned counsel for the appellant as well as
learned counsel for the State through video conferencing.

The present appeal is directed against the order dated 14.01.2020, passed by learned 1st Addl. Sessions Judge -cum- Special Judge Kaimur at Bhabua, in a case registered for the offence punishable under Sections 341, 323, 506, 504 of the Indian Penal Code and 3(1) (r) (s) (w) SC/ST (POA) Act, whereby anticipatory bail of the appellant has been rejected.

As per the prosecution case, the appellant had taken Rs. 30,000/- on mortgaging his land to the complainant for a year and it is alleged by the complainant that appellant did not return her money and also stopped the complainant ploughing the land in question. On protest the appellant abused her by taking her caste name.



It is submitted on behalf of the appellant that from bare perusal of the FIR it appears that there is a land dispute between the parties and no case is made out under the SC/ST Act. This instant case has been lodged only to pressurize the appellant. Appellant has got no criminal antecedent.

Accordingly, in the event of arrest or surrender by the appellant, above named, before the court below within six weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the 1st Addl. Sessions Judge -cum- Special Judge Kaimur at Bhabua, in Bhabua SC/ST P.S. Case No. 35 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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