

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.646 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- SC/ST District- Patna

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Pankaj Kumar Son of Dr. Arvind Kumar Sinha Resident of Village -
Mirzapur, Nohta, P.S.- Fatuha, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ravi Kant Kumar, Adv
For the Respondent/s : Mr.Usha Kumari 1, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 20-05-2020

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by order dated **23.01.2020** passed by learned learned **Special Judge SC/ST cum Additional District & Sessions Judge-VIII, Patna**, in connection with **Special Case SC/ST No. 25 of 2020 (arising out of SC/ST, Patna P.S. Case No. 01 of 2020)** registered under Sections 504 and 506 of the IPC and Section 3(i)(r)(s)/3(2)(va) of SC/ST (Prevention of Atrocities) Act.

Informant in his written complaint has alleged that on 05.01.2020 at about 5:48 pm he received a call on his mobile



from mobile no. 92040483877 and the caller asked him that you are Umakant Mukhiya and when he asked the name of caller he said that I am Pankaj Kumar and started abusing by his caste name and said that you are making Panchayat Bhawan on my land, I will kill you. The aforesaid call was recorded by the Informant in his mobile.

It is submitted on behalf of Appellant that the allegations are false and baseless and due to land dispute he has been falsely implicated in this case. There is no allegation that petitioner has abused him by his caste name publicly rather the allegation is that he abused him on his mobile phone. Appellant has got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the Appellant named above be released on anticipatory bail upon furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and



his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the Appellant tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the Appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
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