

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.837 of 2020

Arising Out of PS. Case No.-14 Year-2016 Thana- KHUSRUPUR District- Patna

Sunil Pandey @ Sunil Panda, Son of Late Janki Pandey, Resident of Village -
Baiketpur (Panda Toli), P.S.- Khushrupur, Distt - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Saroj Kumar Sharma, Advocate.
For the Respondent/s : Mr.Binay Krishna, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL JUDGMENT

Date : 18-05-2020

Heard learned counsel for the appellant and the learned
Additional Public Prosecutor for the State through Video
Conferencing on I.A. No. 01 of 2020.

This appeal, under Section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989,
is directed against the order dated 03.02.2020 passed in Special
Case No. 136 of 2016, whereby and whereunder the learned 8th
Additional Sessions Judge-cum-Special Judge, SC/ST Act, Patna,
rejecting the prayer of the appellant for grant the privilege of bail
in connection with Khushrupur P.S. Case No. 14 of 2016,
registered under Sections 341, 323, 506 and 379 of the Indian
Penal Code and Sections 3(X) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.



The persecution case, in brief, is that informant, Ramprit Paswan, was deputed on monthly Honorarium in the office of Gauri Shankar Temple Trust Committee, Baikathpur. In course of discharging his official duty, appellant, Sunil Pandey @ Sunil Panda, used to come in his office and utter him abusive language denoting his caste name “*Dusad*”, saying that his fellow has been deputed in the temple. The appellant, Sunil Pandey @ Sunil Panda also got issued receipt to *Jajman* in his favour without payment of money on promise to pay the same later on. On 20.01.2016, at about 4 P.M., appellant, Sunil Pandey @ Sunil Panda reached in the office of temple and tried to get the receipt without payment of money. When the informant made protest then appellant abused him denoting his caste name and caused assault to him through fist. When the informant fell down, the petitioner took money from his pocket.

Learned counsel for the appellant submits that due to petty dispute, hot talk were exchanged in between both parties at the time of occurrence but taking the advantage of his cast, the informant, Ramprit Paswan lodged the present case with false allegation. Further submission is that the appellant has no criminal antecedent and is in custody since 13.01.2020.



Learned A.P.P. appearing for the State opposed the prayer for bail of the appellant.

Having considered the facts and circumstances of the case and the period of custody, the impugned order is set aside and this appeal is allowed.

Let the appellant, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Khushrupur P.S. Case No. 14 of 2016, in connection with learned Special Judge, SC/ST Act, Patna. Out of two sureties, one surety must be the close relative of the appellant.

I.A. No. 01 of 2020 also stands disposed of.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

