

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1046 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- KARAMCHAT District- Kaimur (Bhabua)

1. Kameshwar Pandey S/o Late Jagdish Pandey Resident of Village-
Thakurahat, P.S-Karamchat, District-Kaimur (Bhabua).
2. Rameshwar Pandey S/o Late Jagdish Pandey Resident of Village-
Thakurahat, P.S-Karamchat, District-Kaimur (Bhabua).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar Tiwari
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 28-09-2020 Heard learned counsel for the appellants and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed for setting aside the order dated 10-02-2020 passed by learned A.D.J.-I cum Special Judge, Kaimur at Bhabua in A.B.P. No. 99 of 2020 (arising out of Karamchat P.S. Case No. 01 of 2020) registered for the offence punishable under Sections 341, 323, 307, 379 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va) of SC/ST Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, on 07-01-2020 at about 1:30 PM, the appellants came near house of informant and



started abusing him by caste name and on protest, they assaulted informant by *lathi*, *danda* & *rod* and thereafter, entered into the house of informant and assaulted mother and niece of informant by *lathi* and *danda*. It is further alleged that appellants also broke two mobile phones and took away golden chain worth Rs. 60,000/- (sixty thousand).

It is submitted on behalf of appellants that appellants are innocent and have committed no offence and have been falsely implicated in this case. It is further submitted that appellant no. 1 has also filed a complaint case, vide Complaint Case No. 29 of 2020, on 08-01-2020 against the informant. In fact, no such occurrence has taken place. Appellants have no criminal antecedent.

However, learned Special P.P. has vehemently opposed the appeal and submitted that there is specific allegation of assault against appellants as well as allegation of abusing informant's side by caste name.

Considering the aforesaid facts & circumstances as well as the fact that there is specific allegation against the appellants of abusing and assaulting informant and his family members, I am not inclined to interfere with the order impugned and grant them anticipatory bail.



Accordingly, the appeal stands dismissed.

(Prabhat Kumar Singh, J.)

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