

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1350 of 2020

Arising Out of PS. Case No.-9 Year-2018 Thana- SC/ST District- Gaya

Akhilesh Pandey @ Akhilesh Pande @ Pandit Son of Rambali Pandit
Resident of Village - Telari, P.S.- Neemchak Bathani, District - Gaya.
... .. Appellant

Versus

The State of Bihar ... Respondent

Appearance :

For the Appellant : Mr.Sharda Nand Mishra, Advocate
For the Respondent : Mr. Binay Krishna, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-09-2020 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 20.11.2019, passed by learned Special Judge, SC/ST, Gaya in a case registered for the offence punishable under Sections 323/354 and other allied sections of the Indian Penal Code and Section 3 (i) (r) (s)(w)(i) of the SC/ST Act, whereby anticipatory bail of the appellant has been rejected.

The allegation against the appellant as per the First Information Report is that on 10.12.2017 at about 10 am the petitioner assaulted the child of the informant and on protest he also assaulted the informant and torn her clothes and abused her by calling her caste name.

Learned counsel for the appellant submits that the appellant has falsely been implicated in this case which will be apparent from the fact also that FIR has been lodged after three months and five days of alleged occurrence after due deliberation and consultation. He further submits that no case of SC/ST Act is made out as FIR does not disclose the place of occurrence.



Learned counsel for the state on the other hand opposes the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the delayed filing of the FIR and other materials available on record, this appeal is allowed and the impugned order dated 20.11.2019 is set aside.

Accordingly, in the event of arrest or surrender by the appellant, above named, before the court below within six weeks from today, they 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 learned Special Judge SC/ST, Gaya in SC/ST Police Station Case No. 09/2018, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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