

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1718 of 2020

Arising Out of PS. Case No.-566 Year-2016 Thana- NAWADA District- Nawada

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FULO PANDEY Son of Sri Shravan Pandey Resident of Village - Gonawan,
P.S.- Nawada, District - Nawada.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Ranjan Kumar
For the Respondent/s : Mr. Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-12-2020 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through virtual Court

proceedings.

Since the physical court proceeding is non-
functional, due to present pandemic, COVID-19, the matter is
listed with defects.

Learned counsel for the appellant undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the



'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 03.03.2020 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Nawada in connection with Nawada (Town) P.S. Case No. 566 of 2016 registered under Sections 341, 323, 504 and 379/34 of the Indian Penal Code and Section 3 (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was regressing to this house taking articles for worship, six named accused persons including the appellants and six other unknown miscreants intercepted him and demanded the aforesaid articles, as on his refusal, co-accused Sonu Kumar slated him in the name of his caste, then all the accused persons started assaulting him by means of leg and fist inflicting injury to him.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case over some quarrel ensued between the children during the course of playing cricket. There is no allegation of slating the informant in the name of his caste against the appellant. There is specific allegation against the co-accused Sonu Kumar. Informant has not sustained any injury in the occurrence, hence, no offence



under SC/ST Act is made out against the appellant. Similarly situated co-accused Nivas Kumar has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 24.09.2019 passed in Cr. Appeal (SJ) No.3385 of 2019. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Nawada in connection with Nawada (Town) P.S. Case No.566 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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