

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1797 of 2020

Arising Out of PS. Case No.-2 Year-2020 Thana- SHAHKUND District- Bhagalpur

1. AJAY KUMAR PANDEY @ AJAY PANDEY @ PAPPU PANDEY S/o Late Sitaram Pandey Resident of Village-Amakhoria, Police Station-Sajour, District-Bhagalpur.
2. Ranu Pandey W/o Ajay Kumar Pandey Resident of Village-Amakhoria, Police Station-Sajour, District-Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the appellants and Sri Sadanand Paswan, the learned Spl.P.P. for the State.

The present appeal has been preferred under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail vide order dated 12.02.2020, passed by the learned 3rd Additional District and Sessions Judge, Bhagalpur-cum-Special Judge (ST/SC) Act, Bhagalpur in anticipatory bail



petition no. 378 of 2020, arising out of Shahkund (Sajour) PS case no. 02 of 2020 under Sections 341, 323, 385, 504, 506/34 of Indian Penal Code and 3(i)(r)(s), 3(2)(v-a) of SC/ST Act, 1989.

The case of the prosecution in brief is that the informant is the Mukhia of village Panchayat Baspur and on 28.12.2019 at about 3 pm while he was sitting in his Panchayat office, the accused persons i.e. the petitioners herein had arrived there and had threatened him as also had abused him and had further told him that if he does not pay the extortion money, they would implicate him in a false rape case. It is further alleged that the persons sitting in the Panchayat Bhawan had also questioned the petitioners as to why they were abusing the informant by using his caste name i.e. Harijan and Pasi.

The learned counsel for the appellants has submitted that the appellants are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted by the learned counsel for the appellants that not only the FIR has been lodged after much delay with an oblique motive but also on account of vengeance and ill motive, inasmuch as the appellants are well-off and their son is pursuing his professional studies in Germany and moreover, there is no



allegation of the appellants having abused the informant by taking his caste name, inasmuch as the FIR clearly shows that the informant has alleged that the persons sitting in the Panchayat Bhawan had questioned as to why the accused persons were abusing the informant by taking his caste name.

Per contra, the learned Spl.PP for the State vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the appellants are having clean antecedent and moreover, they are not alleged to have engaged in abusing the informant by taking his caste name and also, a general and omnibus allegation has been levelled by the informant, I deem it fit and proper to admit the appellants to the privilege of anticipatory bail. Accordingly, let the abovenamed appellants, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional District and Sessions Judge Bhagalpur-cum-Special judge,



SC/ST Act, Bhagalpur in connection with Shahkund (Sajour) PS case no. 02 of 2020, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

Accordingly, the impugned order dated 12.02.2020 passed by the court of learned 3rd Additional District and Sessions Judge Bhagalpur-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Shahkund (Sajour) PS case no. 02 of 2020 is hereby set aside.

The appeal stands allowed.

(Mohit Kumar Shah, J)

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