

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5108 of 2019

Arising Out of PS. Case No.-261 Year-2019 Thana- NARHATT District- Nawada

1. RANJIT PANDEY Son of Sataynarayan Pandey Resident of Village - Khanwan, P.O.- Khanwan, P.S. - Narhat, Dist. - Nawada.
2. Sanjay Pandey Son of Sataynarayan Pandey Resident of Village - Khanwan, P.O.- Khanwan, P.S. - Narhat, Dist. - Nawada.
3. Birendra Pandey Son of Sataynarayan Pandey Resident of Village - Khanwan, P.O.- Khanwan, P.S. - Narhat, Dist. - Nawada.
4. Jitendra Pandey Son of Sataynarayan Pandey Resident of Village - Khanwan, P.O.- Khanwan, P.S. - Narhat, Dist. - Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Pandey, Advocate.

For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 06-02-2020 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 01.10.2019 by the learned 1st Addl. Sessions Judge cum Special Judge, Nawada in A.B.P. No. 1435 of 2019, arising out of Narhat P.S. Case No. 261 of 2019 registered under Sections 147, 148, 323, 325, 307, 353, 504 and 506 of the Indian Penal Code and Sections 3(1)(r)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989.

Informant Ajay Kumar, Assistant Sub-Inspector of Police, resident of Begusarai District was posted at Nawada police station in Nawada District. The police had gone to the village of the appellants on getting information that the appellants were assaulting to a female inmate of their house. When the police came and wanted to pacify the matter, the appellants scuffled, mishandled and even assaulted to police personnel as well as to the informant.

Learned counsel for the appellants submits that from the averment in the F.I.R., it cannot be assumed that the appellants had knowledge that informant is a member of Scheduled Caste. Therefore, learned court below has wrongly held that bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is applicable. In fact, police had lodged this false case in collusion with the other side of the family with whom there is property dispute.

Considering the entire facts of this case, especially the fact that ingredients of offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not made out, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days



from the date of receipt of the order, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C as well as following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

(c) The appellants shall not leave the country without permission of the trial Court.

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

(Birendra Kumar, J)

mantreshwar/-

U		T	
---	--	---	--

