

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1145 of 2021**

Arising Out of PS. Case No.-160 Year-2020 Thana- KARAHGAR District- Rohtas

1. DINANATH PANDEY, Son of Late Charitra Pandey Resident of Village- Kothuan, P.S.- Kargahar, District- Rohtas.
2. Muniji Pandey @ Munni Pandey, Son of Late Charitra Pandey Resident of Village- Kothuan, P.S.- Kargahar, District- Rohtas.
3. Rajnikant Pandey, Son of Dinanath Pandey Resident of Village- Kothuan, P.S.- Kargahar, District- Rohtas.
4. Shashikant Pandey, Son of Dinanath Pandey Resident of Village- Kothuan, P.S.- Kargahar, District- Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Prashant Kumar

For the Respondent/s : Mr. SPP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      11-08-2021                      Heard Mr. Prashant Kumar, learned Advocate  
  
for the appellants and Ms. Usha Kumari-I, learned  
  
Special Public Prosecutor for the State.

The appellants have challenged the order dated  
  
23.11.2020, passed by the learned Additional District  
  
and Sessions Judge – I, Sasaram, Rohtas, in A.B.P. No.  
  
154 of 2020, arising out of Kargahar P. S. Case No.  
  
160 of 2020, whereby the prayer made on behalf of the  
  
appellants for grant of anticipatory bail for the offences



punishable under Sections 341, 323, 354, 379, 427, 504 and 34 of the Indian Penal Code and Section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is that the appellants and others started demolishing the hut of the informant. When this was protested, the members of the prosecution party were assaulted. The daughter of the informant was also assaulted and was thrown on the ground. Personal belongings of the members of the prosecution party are also said to have been taken away.

The learned counsel for the appellants has submitted that an absolutely false case has been lodged against them.

There is a delay of five (5) days in lodging the F.I.R.

There is a counter version of the occurrence *vide* Karhagar P. S. Case No. 157 of 2020 which has been lodged by appellant no. 3. In the aforesaid case,



the appellant no. 3 has received grievous injury in his eyes and as a result of such injury he has suffered complete loss of vision.

There is Title Suit pending between the parties *vide* Title Suit No. 1116 of 2015.

Even the allegation of abusing the informant and others is not on appellant nos. 2, 3 and 4.

On the basis of the afore-stated facts, it has been argued that none of the offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can at all be said to have been made out against the appellants.

For the reasons afore-stated, the order dated 23.11.2020, passed by the learned Additional District and Sessions Judge – I, Sasaram, Rohtas, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight



weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge - I, Sasaram, Rohtas, in connection with Kargahar P. S. Case No. 160 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

**(Ashutosh Kumar, J)**

skm/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

