

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1134 of 2021

Arising Out of PS. Case No.-382 Year-2020 Thana- RIVILGANJ District- Saran

1. RAMADHAR PANDEY @ SAHELU Son of Late Aklu Pandey Resident of Village- Semariya Khurd, P.S.- Revilganj, District- Saran.
2. Baby Devi @ Babi Devi Wife of Ramjeet Pandey @ Sitesh Pandey Resident of Village- Semariya Khurd, P.S.- Revilganj, District- Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Singh- Advocate
For the Respondent/s : Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-08-2021 Heard Mr. Sanjay Kumar Singh, the learned Advocate for the appellants and Mr. Binay Krishna, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 27.11.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (P.O.A.) Act, Saran at Chapra in connection with Revilganj P. S. Case No.382 of 2020, instituted for the offences under Sections 341, 323, 504/ 34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.



It has been alleged in the F.I.R. that the appellants and others have assaulted the informant, his wife and others and have also abused the members of the prosecution party by taking their caste name.

It has been submitted on behalf of the appellants that an absolutely false case has been lodged against them. The subject F.I.R. is an offshoot of Revilganj P. S. Case No.381 of 2020 lodged by the appellant no.2. There is a land dispute between the parties. As a result of such land dispute and the counter-case, the subject F.I.R. has been registered. The details of the land dispute has been provided in the memo of appeal.

Thus, it has been urged that no offence under any one of the Sections under SC/ST (P.O.A.) Act can at all be said to have been made out against the appellants. So far as the offence under various other Sections of the I.P.C. are concerned, the accusations are general and omnibus and do not indicate any attempt on the part of the appellants to cause any life threatening or grievous injury on any one of the members of the prosecution party.

Regard being had to the afore-noted arguments, the order dated 27.11.2020 is set-aside.



The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (P.O.A.) Act, Saran at Chapra in connection with Revilganj P. S. Case No.382 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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