

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1210 of 2021

Arising Out of PS. Case No.-239 Year-2020 Thana- WARISLIGANJ District- Nawada

1. BINOD PANDEY Son of Jhulan Pandey Resident of Village- May, P.S.- Warisaliganj, District- Nawada.
2. Birendra Prasad Son of Late Jagdish Sao Resident of Village- Milki, P.S.- Warisaliganj, District- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Man Mohan Kumar, Advocate

For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-07-2021 Heard learned counsel for the appellants and learned Spl. P.P. for the State through virtual mode.

Counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 341, 323, 353, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the appellants abused the informant by taking his caste name and the



appellants assaulted the informant.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. The appellants are P.D.S. dealer. There was some dispute in respect of allotment of quota given to the appellants. Said allotment was not being disbursed by the informant and for the said reason some hot exchange had taken place between the parties. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 17.09.2020, passed by the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Nawada vide A.B.P. No.998 of 2020 in connection with Warisaliganj P.S. case No.239 of 2020, is set aside. The criminal appeal is allowed.

Let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on



their personal bond to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Nawada in connection with Warisaliganj P.S. case No.239 of 2020.

Once the normalcy is restored, the appellants will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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