

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2015 of 2021

Arising Out of PS. Case No.-274 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

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PAPPU SAH, SON OF SURESH SAH R/O VILLAGE-
MAHAMMADABAD @ MOHAMADABAD, P.S.- SARAI, DISTRICT-
VAISHALI

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Manish Chandra Gandhi

For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 24-08-2021 Heard Mr. Manish Chandra Gandhi, learned

Advocate for the appellant and Mr. Sadanand Paswan,

learned Special Public Prosecutor for the State.

The appellant has challenged the order, dated

12.10.2020, passed by the learned Additional Sessions

Judge 1st cum Special Judge, Vaishali at Hajipur, in

connection with ABP No. 1718 of 2020, arising out of



Hajipur Sadar P. S. Case No. 274 of 2020, whereby the prayer made on behalf of the appellant for grant of anticipatory bail for the offences punishable under Sections 341, 323, 354(b), 504, 506 and 34 of the Indian Penal Code and Section 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

Though the appellant and one Shambhu Das along with another unknown person is alleged to have abused the informant and also attempted to outrage her modesty, but learned counsel for the appellant has submitted that the accusation is false for the following reasons.

He has submitted that earlier also a case of similar nature had been lodged against the son of Shambhu Das. In the present case Shambhu Das has been made accused.

The learned counsel for the appellant has further submitted that there is a dispute between the



appellant and one Satyendra Pandey who owns a school by the name of Galaxy Public School and because of the dispute, aforesaid Satyendra Pandey has managed to get the aforesaid rag-picker to file a case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the appellant.

It has also been brought to the notice of this Court that the informant has also lodged similar kind of case against the others in the village.

Mr. Gandhi, learned advocate for the appellant has submitted that the informant is a habitual litigant and in the present case, she has gone in collusion with aforesaid Satyendra Pandey and has lodged this false case.

It has also been urged that the accusation on face of it does not inspire confidence.

In any view of the matter, the offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 cannot be said to have been



made out as the accusation in that regard is lacking in material particulars.

Considering the afore-stated facts, the order dated 12.10.2020, passed by the learned Additional Sessions Judge 1st cum Special Judge, Vaishali at Hajipur, is set aside.

The appeal stands allowed.

The appellant, above-named, is directed to be released on bail, in the event of his 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 his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st cum Special Judge, Vaishali at Hajipur in connection with Hajipur Sadar P. S. Case No. 274 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

While saying so, the Court has also taken note



of the fact that there is only one other case against the
appellant which also has been lodged by the same
informant.

(Ashutosh Kumar, J)

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