

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2122 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- MEDNI CHAUKI District- Lakhisarai

1. Praveen Kumar @ Pinku Yadav (Male), aged about 23 years, Son of Shivdhari Yadav, Resident of Near- Reliance Surajgadh Abgil Chak Paharpur, P.S.- Medni Chowki, District – Lakhisarai.
2. Pampesh Kumar @ Pampesh Singh, (Male), aged about 38 years, Son of Ramashish Singh, Resident of Village and P.O.- Nandpur, Ward No.- 04, P.S.- Suryagarha, District – Lakhisarai.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr. Mukesh Kumar, Advocate.
For the Respondent	:	Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-05-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through Virtual mode.

Learned counsel for the appellants is directed to remove the defects, 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 A.B.P. No. 78/2021 in SC/ST Case No. 04/2021, arising out of Medni Chowki P.S. Case No. 07/2021, registered for the offences under Sections 341, 323, 504, 506/34 of the I.P.C. and 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case, in short, is that on 08.01.2021 at about 10.30 A.M., when the informant was getting work of brick soiling, these appellants and four other unknown came at the spot and told that since when they became contractor and



how he dare to do the work of contractor in presence of *Babhan* and also said to stop the work otherwise, he would be killed. They also tried to assault him. When his clerk came to rescue him, he was also assaulted with slaps and got the labourer fled away. Pamesh Singh (appellant no. 2) demanded Rs. 1,00,000/- as Rangdari and abused in filthy language. The appellants also assaulted the clerk of the informant and not allowed to do the work.

It has been submitted on behalf of the appellants that the appellants have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. There is allegation of assault by way of fists and slaps. No weapon is said to have been used in course of occurrence. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the appellants' side has not been explained by the prosecution. The prosecution has not come with clean hands. The alleged occurrence has not taken place in public view. Hence, no offence under 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 22.01.2021, passed in A.B.P. No. 78/2021 in SC/ST Case No. 04/2021, arising out of Medni Chowki P.S. Case No. 07/2021 by learned Additional Sessions Judge-1st,-cum-Special Judge, SC/ST (Prevention of Atrocities) Act, Lakhisarai, 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 the learned Additional Sessions Judge-Ist-cum-Special Judge, SC/ST (Prevention of Atrocities) Act, Lakhisarai, in connection with SC/ST Case No. 04/2021, arising out of Medni Chowki P.S. Case No. 07/2021.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each 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)

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