

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2424 of 2021

Arising Out of PS. Case No.-239 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

1. AWADH KISHORI DEVI @ AWADH KISHOR DEVI Wife of Radha Pandey @ Radha Sharan Pandey Resident of Village - Sirsa, Police Station - Baikunthpur, District - Gopalganj.
2. Dhanu Pandey @ Ghanu Pandey Son of Radha Pandey @ Radha Sharan Pandey Resident of Village - Sirsa, Police Station - Baikunthpur, District - Gopalganj.
3. Anil Pandey Son of Radha Pandey @ Radha Sharan Pandey Resident of Village - Sirsa, Police Station - Baikunthpur, District - Gopalganj.
4. Radha Pandey @ Radha Sharan Pandey Son of Late Kamdev Pandey Resident of Village - Sirsa, Police Station - Baikunthpur, District - Gopalganj.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lokesh Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 13-09-2021 Heard Mr. Lokesh Kumar Singh, learned

counsel for the appellants and Mr. Binay Krishna,

learned Spl. PP for the State.

Mr. Singh, learned counsel for the appellants,

seeks permission to withdraw the memo of appeal on

behalf of the appellant no. 1, who has died during the

pendency of this appeal.

The appeal with respect to appellant no. 1 is



dismissed as having become infructuous.

The appellants no. 2 to 4 have challenged the order dated 08.09.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Gopalganj in A.B.P. No. 1094 of 2020 arising out of Baikunthpur P.S. Case No. 239 of 2020, whereby the prayer made on behalf of the appellants for grant of pre-arrest bail for the offences under Sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act has been rejected.

It has been alleged in the FIR that when the informant went to the house of the local Mukhiya viz. Awadh Kishori Devi, whose appeal has become infructuous, to inform that about 150 houses have been drowned and that food packages were required to be arranged for them, the informant was assaulted by around 15-16 persons present at the house of local Mukhiya. His mobile telephone and the belongings of



others, who were his associates, were snatched away.

It has been submitted on behalf of the appellants no. 2 to 4 that the occurrence never took place as has been projected in the FIR. In fact, the dispute is between the two groups of people who claim to perform social service.

There is a counter version of the occurrence also.

It has further been submitted that the food was being prepared in different kitchens at the instance of the Mukhiya but before its distribution began, the informant and others became restless and tried to grapple with the people who were helping the Mukhiya in preparation, packaging and distribution of the food packets during times of distress.

The accusation against the appellants no. 2 to 4 is absolutely vague, general and omnibus.

The allegation involving the mischief of SC/ST (Prevention of Atrocities) Act appears to be, it has been



argued, over exaggerated.

Regard being had to the aforestated facts, the order dated 08.09.2020 with respect to appellants no. 2 to 4 is set aside.

The appeal stands allowed.

On the appellants no. 2 to 4 surrendering before the court below within a period of eight weeks, they shall be released on bail 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Gopalganj in A.B.P. No. 1094 of 2020 arising out of Baikunthpur P.S. Case No. 239 of 2020.

The appeal stands disposed off accordingly.

(Ashutosh Kumar, J)

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