

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 1432 of 2020

Arising Out of PS. Case No.-74 Year-2017 Thana- SC/ST District- Muzaffarpur

1. UPENDRA PANDIT Son of Satyanarayan Pandit Resident of Village- Baraheta Ganga Ram, P.O.- Lohsari, P.S.- Hathauri, Distt- Muzaffarpur.
2. Surendra Pandit Son of Satyanarayan Pandit Resident of Village- Baraheta Ganga Ram, P.O.- Lohsari, P.S.- Hathauri, Distt- Muzaffarpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

For the Appellant/s	:	Ms Prakritita Sharma, Advocate
For the State	:	Mr Sadanand Paswan, Special PP
For the Informant	:	Mr Yashraj Bardhan, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

5 15-01-2021 Heard learned counsel for the appellants, learned counsel for the informant and the learned Special PP for the State.

The appellants have preferred the present Appeal under Section 14 - A (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity, *SC/ST Act*) against the refusal of their prayer for anticipatory bail vide order dated 20.02.2020 passed by Additional Sessions Judge IX -cum- Special Judge, SC/ST Act, Muzaffarpur in a case registered under Sections 341, 323, 427, 435, 504, 506/34 of Indian Penal Code and Sections 3 (1) (X), 3 (2) (iii) of SC/ST Act in connection with Muzaffarpur SC/ST Police Station (for brevity, *PS*) Case No 74 of 2017.

The First Information Report (for brevity, *FIR*) named



accused persons are neighbours of the informant. It is alleged that in the morning, the appellants abused the informant by taking his caste name and, thereafter, there is allegation that while the informant was sleeping with his family at his home, the house has been burnt by the accused persons.

This Court had earlier called for the case diary. The same has been received. The parties have made submissions based on the investigations as well as the merits of the matter.

It is submitted by the appellants' counsel that falsity of the allegation is evident from the fact that in respect of occurrence alleged to have taken place on 05.06.2017, FIR was lodged on 03.07.2017. The investigation revealed that no offence was made and after investigation, final form was also submitted by the police on 20.08.2017. It is on a protest petition that the Court had taken cognizance much later on 02.08.2018. The above facts are suggestive that no offence is made out against the appellants and that only by way of afterthought, an FIR has been lodged by the informant to settle preexisting disputes between the neighbours.

Learned Special PP for the State as well as the learned counsel for the informant have opposed the prayer for anticipatory bail.



After hearing the parties, this Court is inclined to accept the submissions made on behalf of the appellants for the limited purpose of grant of pre-arrest bail. This appeal is allowed. The impugned order dated 20.02.2020 passed by Additional Sessions Judge IX -cum- Special Judge, SC/ST Act, Muzaffarpur in ABP No 459 of 2020 in connection with Muzaffarpur SC/ST PS Case No 74 of 2017 is set aside.

Let the appellants above named be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge IX -cum- Special Judge, SC/ST Act, Muzaffarpur in Muzaffarpur SC/ST PS Case No 74 of 2017 subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellants who will give an affidavit giving genealogy as to how he is related with the appellants. The bailor will also undertake to inform the Court if there is any change in the address of the appellants.

(2) That the appellants will be well represented on each date and if they fail to do so on two consecutive dates, their



bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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