

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2130 of 2020

Arising Out of PS. Case No.-21 Year-2020 Thana- SC/ST District- Bhojpur

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1. KANHAIYA KUMAR PANDEY, aged about 25 years, Male, son of Binod Pandey.
 2. RAHUL KUMAR MISHRA @ RAHUL MISHRA, aged about 22 years, Male, son of Late Satyadevo Mishra.
 3. RAJU KUMAR MISHRA, aged about 26 years, Male, son of Late Satyadeo Mishra.

All are resident of Village- Naua, P.O.- Dhanauti, P.S.- Sikarahatta,
District- Bhojpur.

... .. Appellants

Versus

The State of Bihar.

... .. Respondent

Appearance :

For the Appellant/s : Mr. Ashwani Kumar Tiwary, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 24-02-2021 Heard learned counsel for the appellants and
learned Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “S.C./ST Act”) against the order dated 28.08.2020 passed by the learned 1st Additional Sessions Judge, Bhojpur, Ara, in connection with SC/ST P.S. Case No.21 of 2020, registered for the offence under Sections 341, 323, 307 and 504/34 of the Indian Penal Code and under Sections 3(i)(r)(s) / 3(2)(va) of the SC/ST Act, by which the Court below has rejected the prayer for anticipatory bail of the appellants.



Allegation has been made that on 14.03.2020 at about 2:00 P.M. the accused persons along with appellants have made filthy jokes against the wife of the informant. When the informant objected, the accused persons assaulted him and also hurled abuses by taking his caste name. It has also been alleged that when the informant tried to flee away, the accused persons chased him and entered into the house and again started assaulting him. When the wife and nephew of the informant tried to rescue him, they were also assaulted by the accused persons.

Learned counsel for the appellants submits the reason behind the dispute is that while the informant was talking to the Manager of Bandhan Bank in connection with marriage of his sister, which was recorded by the accused persons on mobile and made it viral and that led to lodging of the present case. He further submits that it is the informant who has assaulted the appellant no.1 in such a manner that he is not able to move.

Looking to the aforesaid facts, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of six weeks from today, be released on bail, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to



the satisfaction of the 1st Additional Sessions Judge, Bhojpur, Ara, in connection with SC/ST P.S. Case No. 21 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. This is also subject to further conditions that (i) one of the bailors shall be a close relative of the appellants and (ii) the appellant shall fully cooperate with the investigation/trial of the case, failing which, the Court below shall be at liberty to cancel the bail bonds of the appellants.

Accordingly, the impugned order dated 28.08.2020 is set aside. Consequently, this appeal stands allowed.

(Shivaji Pandey, J)

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