

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.218 of 2021

Arising Out of PS. Case No.-39 Year-2020 Thana- SC/ST District- Bhojpur

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1. Krishna Kant Pandey S/O Late Ram Sumeshwar Pandey Village Pakari Post Office Kaleyapur Ps Bihiya District Bhojpur
 2. Deepu Pandey @ Deepu Kumar Pandey S/O Krishna Kant Pandey Village Pakari P.O Kaleyapur P.S Bihiya District Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Fulendra Prasad S/O Dinanath Prasad Village Pakari P O Kaleyapur P S Bihiya District Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Garg, Advocate
For the Respondent/s : Mr.Usha Kumari No.1, Spl. P.P>

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-08-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State through virtual mode.

Counsel for the appellants is directed to remove the defect(s), 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 connection with a case registered for the offences under Sections 341, 323, 307, 354, 504/34 of the Indian Penal Code and Sections 3(i)(b)(r)(s)/3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that co-accused



Mithilesh Pandey assaulted the informant and also abused him by taking caste name.

It has been submitted on behalf of the appellants that the appellant No.2 has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. There is no allegation of assault against the appellants. The alleged occurrence is said to have taken place on 21.05.2020 and the case was instituted on 27.05.2020. Delay has not been explained by the prosecution. Specific allegation of assault is alleged against the co-accused Mithilesh Pandey. So far the appellants are concerned, no specific allegation of assaulted has been alleged against them. There is admitted land dispute between the parties. The alleged occurrence has not taken place within public view. Hence no offence under the 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 19.09.2020, passed by the learned Special Judge (SC/ST Act)/1st Additional Sessions Judge, Bhojpur, Ara vide A.B.P. No.1545 of 2020 in connection with SC/ST P.S. case



No.39 of 2020, 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 learned Special Judge (SC/ST Act)/1st Additional Sessions Judge, Bhojpur, Ara in connection with SC/ST P.S. case No.39 of 2020.

Once the normalcy is restored, the appellants will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) 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)

Narendra/-

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