

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.417 of 2021**

Arising Out of PS. Case No.-128 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

1. ABHIJEET KUMAR PANDEY Son of Sunil Kumar Pandey @ Devu Pandey Resident of Village - Chainchak Puraini, P.S.- Jagdishpur, Dist.- Bhagalpur.
2. Paddu Pandey @ Devendra Pandey Son of Late Basudeo Pandey Resident of Village - Chainchak Puraini, P.S.- Jagdishpur, Dist.- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Alok Kumar Choudhary
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-06-2021 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.

The appellants have challenged the order dated 01.06.2020 passed by learned Additional Sessions Judge-III-cum- Special Judge, (SC/ST Act), Bhagalpur in ABP No. 762 of 2020 in connection with Jagdishpur P.S. Case No. 128/2020 registered for the offences under sections 147, 148, 149, 323, 324, 307, 504, 506, 379 of the Indian Penal Code and 30 and 27 of the Arms Act and 3(i)(r)(s), 3(ii)(va) of SC/ST Act whereby



the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that on trivial issue, the accused persons came to the house and started abusing by taking caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. There is a case and counter case between the parties. Injuries on the side of accused persons have not been explained by the prosecution. The prosecution has not come with clean hands. Subsequently, the informant of the case has filed a petition in the Court below in which he has retracted from the earlier statement made in the F.I.R. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 01.06.2020 passed by learned Additional Sessions Judge-III-cum- Special Judge, (SC/ST Act), Bhagalpur



in ABP No. 762 of 2020 is set aside.

The appeal stands allowed.

Let the appellants, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned Additional Sessions Judge-III-cum- Special Judge, (SC/ST Act), Bhagalpur in connection with Jagdishpur P.S. Case No. 128/2020.

Once the normalcy is restored, the appellants shall 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)

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