

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.386 of 2021**

Arising Out of PS. Case No.-14 Year-2020 Thana- DAWATH District- Rohtas

=====

DHARMENDRA PANDEY @ DHARMENDRA KUMAR PANDEY, Male,
aged about 32 years, Son of Vishwanath Pandey, Resident of Village-
Dharkandha, P.S.- Dawath, District- Rohtas at Sasaram.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

=====

Appearance :

For the Appellant : Mr.Ramchandra Singh, Advocate.
For the Respondent : Mr. Spl. P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-06-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through Virtual mode.

Learned counsel for the appellant is directed to
remove the defects, 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
appellant in Regi. No. 20 of 2020, arising out of Dawath P.S.
Case No. 14 of 2020, registered for the offences under Sections
341, 323, 353, 504, 506, 427 of the I.P.C. and Sections 3(1) (r)
(s) of the SC/ST (POA) Act.

The prosecution case, in short, is that on 27.01.2020
at about 12.30 hours, the informant, namely, Rambabu Paswan,
was working in the *Gram Panchayat Jamsona Office*,



meanwhile, Dharmendra Pandey (appellant) arrived there and made pressure for payment of *Protshahan Rashi* to the villagers of *Old Shauchalaya*. When the informant objected, petitioner abused, assaulted and attempted to press his neck. Then the Panchayat Executive Assistant and Member of Ward No. 12, namely, Om Devi, intervened and saved the informant. He also abused the informant by taking his caste name and threatened to kill and implicate in the false cases and also called the villagers. He also snatched the official papers of the informant. Anyhow, he arrived in the Block Office, Dawath, and gave information.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against him. No grievous injury is said to have been caused by the appellant in course of occurrence. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

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

In view of the aforesaid facts and circumstances, the order dated 23.09.2020, passed in Regi. No. 20 of 2020, arising



out of Dawath P.S. Case No. 14 of 2020 by learned Additional District and Sessions Judge-1st, Rohtas at Sasaram, is set aside. The criminal appeal is allowed.

Let the appellant 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 his personal bond to the satisfaction of the learned Additional District and Sessions Judge-1st, Rohtas at Sasaram, in connection with Regi. No. 20 of 2020, arising out of Dawath P.S. Case No. 14 of 2020.

Once the normalcy is restored, the appellant 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)

U.K./-

U		T	
---	--	---	--

