

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4878 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- SC/ST District- Supaul

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1. MAHESHWAR PANDEY Son of Late Awadh Lal Pandey Resident of Village - Dina Das Tola, P.O.- and P.S.- Roghopur, Distt.- Supaul.
 2. Gyan Chand Mandal @ Manchand Mandal Son of Late Sonai Mandal Resident of Village - Dharmpatti, P.S.- Roghopur, Distt.- Supaul.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Upendra Yadav, Adv.
For the State	:	Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-11-2021 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 03.09.2019 passed by learned Additional Sessions Judge 1st-cum-Special Judge, Supaul in connection with S.C./S.T. Supaul P.S. Case No. 20 of 2019 registered under Sections 341, 323, 380, 427, 354(B), 504, 506 and 34 of the Indian Penal Code and Sections 3 (i) (r) (s) w(i) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Allegation against the appellants is that they along with other accused persons armed with lathi and weapon came to door of informant, started abusing by name of her caste and told her to stand otherwise they will cut her neck. On objection, accused Maheshwar Pandey pulled her Sari as a result, she became half naked. It is also alleged in the FIR that accused persons snatched golden ornaments and Rs. 10,000/- from her box.

It is submitted by learned counsel for the appellants that appellants are innocent and have been falsely implicated in this case. He submits that allegation levelled against the appellants is not specific rather general and omnibus in nature. He submits that there is inordinate delay of 14 days in lodging the FIR without assigning any plausible explanation. He further submits that appellant no. 1 bear seven criminal antecedent whereas appellant no. 2 has no criminal antecedent as stated in para-3 of this petition.

Learned Spl. PP for the State and informant oppose the prayer for bail and submit that there is specific allegation upon the appellants.

Considering the facts and circumstances of the



case, the above named appellants in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st-cum-Special Judge, Supaul in connection with S.C./S.T. Supaul P.S. Case No. 20 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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