

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5452 of 2019**

Arising Out of PS. Case No.-24 Year-2019 Thana- PANDARAK District- Patna

1. MADAN SAO Son of Late Ram Chandra Sao Resident of Village - Mamrakhabad, P.S.- Pandark, District - Patna.
2. Pankaj Kumar Son of Late Ram Chandra Sao Resident of Village - Mamrakhabad, P.S.- Pandark, District - Patna.
3. Shashi Prasad @ Shashi Kumar Son of Umesh Sao Resident of Village - Mamrakhabad, P.S.- Pandark, District - Patna.
4. Chandramani Kumar Son of Madan Sao Resident of Village - Mamrakhabad, P.S.- Pandark, District - Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Ravi Bhardwaj, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

5      14-12-2021              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, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 25-10-2019, passed by learned Additional Sessions Judge-XX cum-Special Judge, SC/ST Act, Patna in connection with Pandarak P.S. Case No.24/2019 (Special Case No.91/2019), registered under sections 147/ 148/ 149/ 427/ 504/ 506/ 307 of the IPC,



section 27 of the Arms Act and sections 3 [I (g) (r) (s)] of the SC/ST Act.

The prosecution case in brief, is that the accused persons were cutting the crops of informant's field and when the informant reached there, they abused him by using caste name and threatened to kill him. It is alleged that the appellant no.1 namely Madan Sao fired from desi pistol but it did not hit the informant.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. No such occurrence as alleged ever took place. The appellants have no concern with the aforesaid occurrence and have been falsely implicated in the case because of admitted land dispute between the parties. There is case and counter case between the parties and the present case is counter blast of Pandark P.S. Case No.22/19. There is no specific overt act of abusing or assaulting the informant against the appellants except appellant no.1 namely Madan Sao. There is a delay in lodging the FIR, as the alleged occurrence took place on 02.03.2019 in the morning but the FIR has been lodged on 03.03.2019 and no explanation has been advanced for the said delay. The appellant nos.3 and 4 have no criminal antecedent while the appellant nos.1 and 2



have one criminal antecedent, which is also mentioned in para-3 of the memo of appeal.

Learned Spl. PP for the State has opposed the prayer for anticipatory bail by submitting that the appellants are named in the FIR and there is specific allegation against the appellants of abusing the informant. Moreover, there is specific allegation of firing from the desi pistol against Madan Sao (appellant no.1). Further, offence under SC/ST Act is made out against the appellants as the alleged occurrence took place in public view.

Having gone through the rival submissions of the parties, let the above named appellant nos.2, 3 and 4 namely Pankaj Kumar, Shashi Prasad @ Shashi Kumar and Chandramani Kumar respectively, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 court below where the case is pending/Successor Court in connection with Pandarak P.S. Case No.24/2019 (Special Case No.91/2019), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as Madan Sao (appellant no.1) is concerned, since



there is specific allegation of firing and abusing the informant is against him, I am not inclined to grant him the privilege of anticipatory bail, as such, the prayer for anticipatory bail made on behalf of the Madan Sao (appellant no.1) is hereby rejected.

Accordingly, the impugned order is set aside with regard to appellant nos.2, 3 and 4 and the appeal is partly allowed.

**(Anjani Kumar Sharan, J)**

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