

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1479 of 2022

Arising Out of PS. Case No.-310 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

RAJENDRA PANDEY Son of Mishri Pandey Resident of Village -
Mohammadpur, P.S.- Mohania, District - Kaimur (Bhabhua)

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Janki Devi Wife of Bangali Paswan Resident of Village - Mamadeo, P.S.-
Mohania, District - Kaimur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pawan Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 08-08-2022 The learned counsel for the Appellant is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the Appellant as well as

learned Special PP and learned counsel for the informant.

The appeal has been preferred on behalf of the

appellant under Section (A) (2) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting

aside the order dated 23.03.2022 passed by the learned

Additional District & Sessions Judge-I-cum-Special Judge,

Kaimur at Bhabhua registered for offence punishable under

sections 341, 323, 504, 420, 34 of the Indian Penal Code and



Sections 3(i) (r) (s) SC/ST Prevention of Atrocities Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

As per allegation, the appellant took Rs. 3,00,000/- from the informant on credit and he assured that in case he fails to return that money, he will execute a sale deed in her favour. As per allegation, when the informant went to demand her money the appellants assaulted her and abused her in filthy words by calling her caste name.

Learned counsel for the appellant has submitted that there is money transaction between the parties and with intent to make the offence graver, the allegation of abusing by caste name has been leveled. He has submitted further that the entire money was refunded to the informant on 29.04.2022 and thereafter, the matter was compromised. The husband of the informant had also put his signature on the compromise petition and he has stated in compromise petition that the entire money was paid to the informant.

Learned counsel for the informant has submitted that on 29.06.2022 a petition was filed by the informant that the money has not been paid. On 29.04.2022, a compromise petition has been filed, signed by the informant and on the same day



informant has also received Rs. 3,00,000/- signed by herself and her husband and after two months, She filed a petition withdrawn the compromise petition. The informant has already been received her money as such the provisions of SC/ST Act, are not attracted *prima facie*.

Considering the above-mentioned facts and circumstances, the appeal is allowed the impugned order dated 23.03.2022 is set aside.

Accordingly, the appellants, in the event of arrest or surrender before the court below within four weeks from today, is directed to be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned learned Additional District & Sessions Judge-I-cum-Special Judge, Kaimur at Bhabhua in connection with Mohani P.S. Case No. 310 of 2021

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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