

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1475 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- TANDWA District- Aurangabad

1. PINTU SAO Son of Janki Sao Resident of Village - Kandi Bigha, P.S.- Tandwa, District - Aurangabad (Bihar).
2. Deepak Kumar @ Deepak Sao Son of Janki Sao Resident of Village - Kandi Bigha, P.S.- Tandwa, District - Aurangabad (Bihar).
3. Mantu Sao @ Rakesh Kumar @ Rakesh Sao Son of Manki Sao Resident of Village - Kandi Bigha, P.S.- Tandwa, District - Aurangabad (Bihar).
4. Rajesh Sao Son of Manki Sao Resident of Village - Kandi Bigha, P.S.- Tandwa, District - Aurangabad (Bihar).
5. Yogendra Sao Son of Late Cheedi Sao Resident of Village - Kandi Bigha, P.S.- Tandwa, District - Aurangabad (Bihar).
6. Dharmendra Sao Son of Late Cheedi Sao Resident of Village - Kandi Bigha, P.S.- Tandwa, District - Aurangabad (Bihar).
7. Janki Sao Son of Nand Kishor Sao @ Nankeshwar Saw Resident of Village - Kandi Bigha, P.S.- Tandwa, District - Aurangabad (Bihar).
8. Manaki Sao Son of Nand Kishor Sao @ Nankeshwar Saw Resident of Village - Kandi Bigha, P.S.- Tandwa, District - Aurangabad (Bihar).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Santosh Kumar Pandey
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 02-08-2022 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month

Heard the learned counsel for the appellants and learned APP for the State.

At the outset, learned counsel for the appellants has



submitted that during the pendency of this appeal, appellant nos. 6 and 8 have been arrested and, as such, the same has become infructuous. He, therefore, seeks permission to withdraw this appeal as against appellant nos. 6 and 8.

In view of the aforesaid submission, the appeal is dismissed as withdrawn as **having become infructuous as against appellant nos. 6 and 8.**

This appeal has been preferred on behalf of the appellant no.3 under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 01.04.2022, passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST, Aurangabad, in connection with Tandwa P.S.Case No. 16 of 2022, registered for the offences punishable under Sections 147, 148, 149, 452, 341, 323, 325, 307, 379, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

As per allegation, eight accused persons named in the FIR came to the house of the informant and they badly assaulted the informant and his family members. They also abused them by calling their caste names.



Learned counsel for the appellants has submitted that appellants belong to caste of *Lohar (Vishwakarma)*, a such, the provision of SC/ST Act is not attracted in this case. He has submitted further that the appellants are the persons of clean antecedent. He has also submitted that members of the informant's side had committed murder of the father of appellant no.6 and in this respect Tandwa P.S.Case No. 14 of 2022 has been lodged and only to save their skin from that case the present case has been lodged.

Considering the facts and circumstances as well as the clean antecedents of appellant nos. 1, 2, 3, 4, 5 and 7, the appeal is allowed and the impugned order dated 01.04.2022 is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, appellant no. 1, 2, 3, 4, 5 and 7, above-named shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each to the satisfaction of 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Aurangabad in connection with Tandwa P.S.Case No. 16 of 2022.

Office shall ensure that all the defects are removed by the appellant within the stipulated time provided hereinabove,



failing which the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey, J)

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