

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.72 of 2021

Arising Out of PS. Case No.-244 Year-2017 Thana- BARH District- Patna

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SUNIL KUMAR @ SUNIL PANDIT Son of Late Devi Pandit Resident of
Mohalla - Paijawapar, Barh, Ward no. 22, P.S.- Barh, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sunil Prasad, Adv.

For the Respondent/s : Mr.Usha Kumari 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 21-01-2022 **Re:- I.A. No.1 of 2021**

This interlocutory application has been filed for
condoning the delay of 70 days in filing of this appeal.

Considering, the grounds taken in the interlocutory
application, the delay in filing of this appeal is hereby
condoned.

Accordingly, I.A. No.1/2021 is allowed and disposed of.

Re:-Cr. Appeal (SJ) No.72 of 2021

Heard learned counsel for the appellants and learned
Spl.P.P. for the State through virtual court proceedings.

This is an appeal under section 14A (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 for anticipatory bail vide order



dated 12.06.2020, passed by learned Additional Sessions Judge-VIII, Patna-cum-Special Judge, SC/ST & MP.MLAs, Patna, in connection with Barh P.S. Case No.244 of 2017 (Special Case No.655 of 2017), registered under sections 341, 323, 379/34 of the IPC and sections 3 (i), (r) of the SC/ST (POA) Act.

The prosecution case in short is that on 21.08.2017, appellant along with his two sons and four unknown persons came at the house of informant and started abusing. On protest, they assaulted the family members of the informant by fists and slaps. They also snatched gold ornaments of the informant and fled away after threatening them with dire consequences.

It is submitted by learned counsel for the appellant that the appellant is quite innocent and has not committed any offence. No such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case due to dirty village politics and ill motive. There is no specific overt act against the appellant rather the allegations are general and omnibus in nature. No one has sustained any injury in the occurrence and no injury report in this regard is available on record. The appellant has not abused by caste name of the informant. Slating the informant by caste name is said to have been made at the house of the informant and not in public view,



hence no offence under SC/ST Act is made out against the appellant. It is submitted that the informant has filed a written application on 21.08.2017 before the Executive Officer, Nagar Parishad, Barh regarding illegal construction of 'chajja' of house of informant (Annexure-2) and on the basis of that, Executive Officer, Nagar Parishad, Barh constituted an inspection committee, in which appellant and two others vide letter No.1041 dt. 21.08.2017 (Annexure-3). After inspection, the team submitted their report to the concerned regarding objection in construction of the informant's house (Annexure-4). There is case and counter case between the parties, the appellant has lodged Barh P.S. Case No.242/2017 against the informant's side (Annexure-5). In fact the appellant, while performing his Government duty, went to the house of the informant for inspection but the informant's side objected this and thereafter assaulted the appellant and his team. After knowing this fact, the FIR was lodged against the informant. The injury report of the appellant shows the injuries as grievous in nature (Annexure 6). Appellant has no criminal antecedent, as also mentioned in para-3 of the memo of appeal.

Learned Spl. PP for the State opposed the prayer for anticipatory bail.



Since no allegation of abusing the informant is attributed against the appellant and that the offence is alleged to have taken place in the house of the appellant and not in a public view, as such, no offence under the SC/ST Act is made out against the appellants, hence, there is no requirement of issuing notice to the informant.

In the facts and circumstances of the case, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VIII, Patna-cum-Special Judge, SC/ST & MP.MLAs, Patna, in connection with Barh P.S. Case No.244 of 2017 (Special Case No.655 of 2017), subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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