

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2847 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- SUGAULI District- East Champaran

1. Jitendra Pandey Son Of Biran Pandey @ Birendra Pandey R/O Village-
Gidha, P.S.- Sugauli, District- East Champaran
2. Satyendra Pandey Son Of Biran Pandey @ Birendra Pandey R/O Village-
Gidha, P.S.- Sugauli, District- East Champaran
3. Ramesh Pandey Son Of Late Surendra Pandey R/O Village- Gidha, P.S.-
Sugauli, District- East Champaran
4. Akhileshwar Pandey @ Akhilesh Pandey Son Of Late Surendra Pandey R/O
Village- Gidha, P.S.- Sugauli, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalan Ram Son Of Aklu Ram R/O Village- Gidha, P.S.- Sugauli, District-
East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-09-2022 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated

21.07.2022 passed by learned Special Judge, SC/ST

Act, East Champaran, Motihari in connection with

Sugauli P.S. Case No. 183 of 2022 instituted for the

offences punishable under Sections 147, 341, 323, 324,

354, 379, 504, 506 of the Indian Penal Code and



Section 3(1)(r)(s) of the SC & ST (Prevention of Atrocities) Act, whereby their prayer for being released on anticipatory bail has been rejected.

The accusations are of making assault and abusing by calling caste name.

It is submitted by learned counsel for the appellants that appellants have falsely been implicated in this case and in the background of some land dispute, the present case has been lodged. There is counter version of the occurrence also and appellants' side also sustained injuries. As per F.I.R, the occurrence did not take place in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellant. A statement has been made in para 3 of the petition that appellants have no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 21.07.2022.

Accordingly, this appeal is allowed.



The appellants, above named, are directed to be released on bail in the event of their arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with Sugauli P.S. Case No. 183 of 2022.

(Sunil Kumar Panwar, J)

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