

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3055 of 2022

Arising Out of PS. Case No.-181 Year-2022 Thana- AMBA District- Aurangabad

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1. Tun Pandey @ Bhimsen Pandey Son of Mithilesh Pandey R/o Village - Parta, P.S.- Amba, District - Aurangabad
 2. Nilesh Pandey Son of Laxman Pandey R/o Village - Parta, P.S.- Amba, District - Aurangabad
 3. Sona Pandey @ Chiteshwar Pandey Son of Laxman Pandey R/o Village - Parta, P.S.- Amba, District - Aurangabad
 4. Gulshan Pandey @ Akshay Pandey Son of Tun Pandey R/o Village - Parta, P.S.- Amba, District - Aurangabad
 5. Rakesh Pandey @ Rakesh Kumar Pandey Son of Gopal Pandey R/o Village - Parta, P.S.- Amba, District - Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Balram Paswan at posted as Police Sub Inspector, Amba Police Station, District - Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-11-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 04.08.2022 in A.B.P. No. 1331 of 2022 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with Amba



P.S. Case No. 181 of 2022 registered under Sections 147, 148, 149, 341, 323, 379, 411, 353, 307, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(Va) SC/ST (POA) Act.

Allegation against the appellants is that the appellants abuse the informant with caste name and assaulted the informant.

Learned counsel for the appellants submits that the appellants are innocent having clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. itself that there is no specific allegation of assault has been levelled against the appellants and there is general and omnibus allegation against all the accused persons and only on the basis of suspicion the name of the appellants has been falsely implicated in the present case. The informant is a Government official and hence there is no need to issue notice to the informant under **Sections 15(3) and (5) of the SC/ST Act.**

Learned Special Public Prosecutor for the State has opposed the prayer for anticipatory bail of the appellants.

After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Casts and Scheduled Tribes Act is made out.



Hence, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure along with other following conditions :-

(1) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the appellants tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedents, the court below shall take step for



cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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