

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4224 of 2021**

Arising Out of PS. Case No.-12 Year-2020 Thana- SC/ST District- Rohtas

SUNIL PANDEY @ SUNIL KUMAR PANDEY S/o LATE RAJ RAUSHAN
PANDEY R/o VILLAGE-KONI, P.O- GANJBHASRA, P.S-DINARA,
DISTRICT-ROHTAS.

... .. Appellant/s

Versus

THE STATE OF BIHAR BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amish Kumar

For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 07-07-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 31.07.2021 passed by learned 1st Additional District and Sessions Judge-Cum-Special Judge, Rohtas in ABP No. 31 of 2020 whereby the prayer for bail of the appellant in connection with SC/ST Dehri P.S. Case no. 12 of 2020 under Sections 341, 323, 409, 420, 504 & 506 of the Indian Penal Code and sections 3(2) (Va) of the SC/ST (POA) Act was rejected.

As per allegation in the FIR, informant is a Ward Member and Chairman of Ward Kriyanwayan Management Committee and under the scheme of Pai Jal Nishchay Yojana he



transferred Rs. 5 lac as advance to the petitioner to complete the work but he did not complete it. When informant along with Narvadeshwar Choubey asked the petitioner to complete the same then he abused the informant by taking his caste name and assaulted him by means of fists and kicks and also refused to complete the work. After prevailing good sense, compromise has taken place between the parties, compromise petition is annexed as Annexure-2 to this petition.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He has not misappropriated any government money. In fact, appellant has completed his assigned work and he has not committed any criminal breach of trust. He has not taken the cast name of the informant in public view. He has got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against them. The appellant has no intention to disgrace the image of the informant in public view.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow



this appeal. Accordingly, the appeal is allowed and the impugned order dated 31.07.2021 passed in A.B.P. No. 31 of 2020 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with SC/ST Dehri P.S. Case No. 12 of 2020 in the event of arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge -Cum-Special Judge, Rohtas at Sasaram.

(Sunil Kumar Panwar, J)

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