

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3126 of 2022

Arising Out of PS. Case No.-24 Year-2020 Thana- KARANDAY District- Sheikhpura

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1. RAUSHAN PANDIT @ HARISHCHANDRA PANDIT SON OF LATE AYODHAYA PANDIT R/O VILLAGE- ASTHAWA, P.S.- KARENDEY, DISTRICT- SHEIKHPURA
 2. BALMIKI KUMAR @ BALMIKI PANDIT SON OF RAUSHAN PANDIT R/O VILLAGE- ASTHAWA, P.S.- KARENDEY, DISTRICT- SHEIKHPURA

... .. Appellant/s

Versus

1. The State of Bihar
2. UPENDRA RAVIDAS SON OF LATE BILTAN RAVIDAS R/O VILLAGE- ASTHAWA, P.S.- KARENDEY, DISTRICT- SHEIKHPURA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bipin Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the appellants and learned Spl. P.P. for the State through virtual Court proceedings.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 14.02.2022 in A.B.P. No. 100 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Skeikhpura in connection with Karandey P.S. Case No. 24 of 2020 registered for the offences punishable



under Sections 143, 341, 323, 448, 379, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

The informant alleges that the accused persons including the appellants came to his house and abused him and even threatened to obstruct drain water and even assaulted his wife.

Learned counsel for the appellants submits that the appellant no. 1 has antecedent of one case and appellant no. 2 is a person with clean antecedent and have been falsely implicated in the present case, it is next submitted that the allegation of assault and abuse is general and omnibus in nature, it is further submitted that even presuming what has been alleged is true without admitting then the entire occurrence has taken place at the house of the informant and thus was not in public view.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 14.02.2022 in A.B.P. No. 100 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Skeikhpura in connection with Karandey P.S. Case No. 24 of 2020 is hereby



set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Karandey P.S. Case No. 24 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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