

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3119 of 2022

Arising Out of PS. Case No.-36 Year-2020 Thana- SC/ST District- Sheikhpura

RAUSHAN PANDIT @ HARISHSCHANDRA PANDIT S/O LATE
AYODHYA PANDIT Resident of village- Asthawa, P.S.- Karedey, District-
Sheikhpura.

... .. Appellant/s

Versus

1. The State of Bihar
2. KUNTI DEVI W/O PARESH RAVIDAS Resident of village- Asthawa, P.S.-
Karedey, 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 06-12-2022 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

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. 101 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, in connection with Sheikhpura P.S. Case No. 36 of 2020 registered for the offences punishable under Sections 341, 323, 447, 354(B), 379, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s)(w)(i) and 3(2)



(va) of the SC/ST Act.

The informant alleges that accused persons including the appellant came and Arvind abused her by her caste name and on protest dashed her on the ground, Kishori put revolver on her temple and threatened and also snatched her chain.

Learned counsel for the appellant submits that the appellant has antecedent of one case and has been falsely implicated in the present case, it is next submitted that from bare perusal of the allegation as alleged in the FIR it would manifest that no specific allegation has been alleged against the present appellant and even allegation of abuse is general and omnibus in nature and as far as allegation of putting revolver on her temple is alleged the same is ornamental in nature.

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

In view of the submissions made by the learned counsel for the appellant, the order dated 14.02.2022 in A.B.P. No. 101 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, in connection with Sheikhpura P.S. Case No. 36 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 Sheikhpura P.S. Case No. 36 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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