

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3615 of 2022
In
CRIMINAL MISCELLANEOUS No.15360 of 2022

Arising Out of PS. Case No.-53 Year-2021 Thana- SC/ST District- Samastipur

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1. LAL BABU PANDEY Son of Late Ram Udar Pandey Resident of Village - Bhusari, P.S.- Samastipur, District - Samastipur
 2. Santosh Pandey Son of Lal Babu Pandey Resident of Village - Bhusari, P.S.- Samastipur, District - Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Nirmal Kumar Shrivastava
For the Respondent/s	:	Mr.Sadanand Paswan
		Mr.Abhay Shanker Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 07-12-2022 At the outset, learned counsel for the appellants seeks permission to withdraw this appeal so far as appellant no. 2 (Santosh Pandey) is concerned.

Prayer is allowed. The appeal stands dismissed as withdrawn in respect of appellant no. 2.

Heard learned counsel for the appellant (i.e. appellant no. 1), learned Special P.P. for the State and learned counsel appearing on behalf of respondent no. 2.

The present appeal has been filed against order dated 31.01.2022 passed by learned Special Judge, SC/ST (POA) Act, Samastipur in SC/ST P.S. Case No. 53 of 2021 registered for the offence punishable under Section 307 & other allied sections of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the



SC/ST (POA) Act, whereby the prayer for anticipatory bail of appellant was rejected.

Learned counsel for the appellant submits that as per F.I.R. itself, this appellant is order-giver and there is no allegation of overt act against him. The incident took place at the door of informant, not in public view and hence, no offence under the SC/ST Act is made out against appellant. Learned counsel for the appellant further submits that though, appellant is accused in four more cases, but in all the cases, he is on bail.

Learned Special P.P. as well as learned counsel for the respondent no. 2 opposed the appeal.

Considering the aforesaid facts and circumstances, the impugned order dated 31.01.2022, so far as this appellant is concerned, is, hereby, set aside and appeal is allowed.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the appellant namely Lal Babu Pandey be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Samastipur in SC/ST P.S. Case No. 53 of 2021.

(Prabhat Kumar Singh, J)

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