

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4923 of 2021**

Arising Out of PS. Case No.-92 Year-2021 Thana- MALI District- Aurangabad

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Bimlesh Pandey Son of Late Bhaju Pandey, Resident of Village - Amba
Dhamani, P.S.- Mali, Distt.- Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

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

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 20-09-2022 The learned counsel for the appellant is directed to
remove all the defects pointed out by the office within one month.

The appellant Arun Pandey has been arrested and the
anticipatory bail petition on his behalf has been dismissed as
withdrawn, vide order dated 30.06.2022.

Heard learned counsel for the appellant as well as the
learned counsel for the informant.

This appeal has been preferred on behalf of the
appellant under Section 14 (A) (2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting
aside the order dated 23.11.2021 passed by the learned 1st
Additional District and Sessions Judge-cum-Special Judge
(SC/ST), Aurangabad in connection with Mali P.S. Case No. 92 of
2021, registered for offence punishable under sections 341, 323,



324, 504/34 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 the appellant has been rejected.

Bikram Paswan is informant of this case.

As per allegation, the appellant Arun Pandey assaulted the informant on his head with *khanti*. The appellant Bimlesh Pandey, as per allegation, caught-hold the informant. It has been mentioned in the FIR that there was dispute between both the parties due to panchayat election. There is also allegation that the appellant abused the informant by calling his caste name.

The learned counsel for the appellant has submitted that the appellant is innocent and he has falsely been implicated in this case. He has submitted further that the appellant is a person of clean antecedent and the alleged occurrence did not take place due to malicious feeling of caste. He has also submitted that FIR shows itself that the reason behind the occurrence is previous enmity between the parties due to panchayat election.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that the informant has sustained head injury and the appellant has also abused the informant by calling his caste name.

The allegation to assault by *khanti* on the head of the informant is on appellant Arun Pandey, who has been arrested and



his anticipatory bail petition has been dismissed as withdrawn on 30.06.2022.

The appellant Bimlesh Pandey is a person of clean antecedent and the alleged occurrence did not take place due to malicious feeling of caste, rather it has taken place due to election rivalry.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 23.11.2021 is set aside.

Accordingly, the appellant Bimlesh Pandey, in the event of arrest or surrender before the court below within four weeks from today, is directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with Mali P.S. Case No. 92 of 2021.

Office shall ensure that all defects are removed by the appellant within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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