

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1071 of 2021**

Arising Out of PS. Case No.-41 Year-2020 Thana- SC/ST District- Lakhisarai

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1. RAMJI PANDIT @ RAMJI KUMAR S/o- Guru Sahay Pandit R/o Village- Shivsona, P.S.- Halsi, District- Lakhisarai.
 2. Mahesh Pandit S/o- Guru Sahay Pandit R/o Village- Shivsona, P.S.- Halsi, District- Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellants : Mr. Rajnish Chandra, Advocate

For the State : Ms. Usha Kumari 1, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 12-04-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Vide order dated 07.02.2023, notice was issued to respondent no.2. From perusal of office notes dated 27.03.2023, it appears that registered notice was received by respondent no.2.

In view of the fact aforesaid, the notice is treated to be validly served upon respondent no.2, but today nobody appears on behalf of respondent no.2.

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 of anticipatory bail vide order dated 04.11.2020, passed by learned Additional Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Lakhisarai in connection with Lakhisarai S.C./S.T. P.S. Case No.41 of 2020, registered under Sections 341, 323, 406, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act.

The appellants are said to have abused the informant and his wife by naming their caste.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. The appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is submitted that no specific overt act is alleged against the appellants. The appellants have not abused the informant or his wife by naming their caste. It is further submitted that the matter has been compromised between the parties and the appellants have already returned the money to respondent no.2. Learned counsel for the appellants has produced photo copy of affidavit showing that the matter has been compromised between the parties.

Learned Special P.P. for the State opposed the prayer for grant of anticipatory bail to the appellants.

Taking into consideration the fact that the matter has



been compromised between the parties, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII-cum-Special Judge (SC/ST POA Act), Patna in connection with Lakhisarai S.C./S.T. P.S. Case No.41 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

S.KUMAR/-

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