

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1432 of 2022

Arising Out of PS. Case No.-93 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

SANTOSH PANDEY @ SANTOSH KUMAR PANDEY S/o Mishri Pandey
Resident of Village- Mohammadpur, P.S.- Mohania, District- Kaimur
(Bhabhua)

... .. Appellant/s

Versus

1. The State of Bihar
2. KUNDAN RAM S/o Budhu Ram Resident of Village- Dian, P.S.- Mohania,
District- Kaimur at Bhabua.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pawan Kumar Singh, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-01-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In compliance of the order dated 24.08.2022, notice was
validly served upon respondent no.2 but nobody appears on his
behalf.

This is an appeal under section 14A(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
2015 (hereinafter in short referred to as the 'SC/ST Act') against
the refusal of prayer for anticipatory bail vide order dated
07.07.2021, passed by learned Additional District and Sessions
Judge-I,-cum- Spl. Judge, Kaimur at Bhabhua, in connection
with Mohania P.S. Case No.93 of 2019, registered under



sections 341, 323, 504, 506, 34 of the IPC and sections 3(i)(r)/3(2)(va) of the SC and ST Act.

Allegedly, due to a land dispute, the appellants along with other accused persons assaulted the informant by means of deadly weapons and also abused him by taking caste name.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific allegation against the petitioner to abuse the informant by taking his caste name. There is an admitted land dispute between the parties. Appellant has six criminal antecedent and several similarly situated co-accused have been granted anticipatory bail by this Court vide order dated 17.10.2022 passed in Cr. Appeal (SJ) No.2609 of 2021.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, since similarly situated co-accused have been enlarged on bail, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks



from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-I,-cum- Spl. Judge, Kaimur at Bhabhua, in connection with Mohania P.S. Case No.93 of 2019, subject to the condition as 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)

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