

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2193 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- KOPA District- Saran

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1. Pintu Pandit @ Pintu Kumar Pandit Son Of Yogendra Pandit R/O-Kopa, P.S.-KOPA, Distt.-SARAN
 2. Nitesh Kumar Pandit @ Nitesh Pandit Son Of Surendra Pandit R/O-Kopa, P.S.-KOPA, Distt.-SARAN
 3. Mukesh Pandit Son Of Surendra Pandit @ Late Satyanarayan Pandit R/O-Kopa, P.S.-KOPA, Distt.-SARAN
 4. Santosh Pandit @ Santosh Kumar Pandit Son Of Brij Mohan Pandit R/O-Kopa, P.S.-KOPA, Distt.-SARAN
 5. Mithlesh Pandit Son Of Late Satyanarayan Pandit @ Surendra Pandit R/O-Kopa, P.S.-KOPA, Distt.-SARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. Pappu Sah Son Of Jangli Sah R/O-Kopa, P.S.-KOPA, Distt.-SARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Chandra

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-08-2023 Vide order dated 13.07.2023, the prayer for anticipatory bail of the appellant no. 1 has already been dismissed as withdrawn.

2. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

3. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 02.08.2023, he has informed the informant/complainant but none is present on his/her behalf.



4. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 03.04.2023, passed by learned SC/ST/MP/MLA-Additional Sessions Judge 3rd, Saran in connection with Kopa P.S. Case No. 10 of 2023, registered under Sections 341, 147, 342, 323, 354(b), 504, 506/34 of the IPC and Sections 3(i) (r) (s) of SC/ST Act.

5. Appellants are said to have abused the informant by taking caste name and also assaulted him.

6. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case due to land dispute. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellants. He submits that there is specific allegation against co-accused Nitesh Pandit who caught the hand of Lalita Devi with ill will and torn her cloths due to which she became half nude. He submits that there is case and counter case between the parties. Learned counsel for the appellants further relied upon judgment of the Hon'ble Apex



Court passed in the case of **Hitesh Verma Vs. State of Uttarakhand & Another** reported in **2020 (10) SCC 710**, He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

7. Learned Spl. PP opposed the prayer for grant of anticipatory bail of the Appellants.

8. Considering the facts and circumstances of the case, let the above named appellants in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned SC/ST/MP/MLA-Additional Sessions Judge 3rd, Saran in connection with Kopa P.S. Case No. 10 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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