

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1812 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- PALANWA District- East Champaran

1. RINA DEVI WIFE OF PRAMOD PANDEY @ PRAMOD KUMAR PANDEY R/O VILLAGE- UCHHIDIH, P.S.- PALANWA, DISTRICT- EAST CHAMPARAN
2. PRMOD PANDEY @ PRAMOD KUMAR PANDE SON OF LATE RAMAGYA PANDEY R/O VILLAGE- UCHHIDIH, P.S.- PALANWA, DISTRICT- EAST CHAMPARAN
3. UPENDRA PANDEY SON OF LATE RAMAGYA PANDEY R/O VILLAGE- UCHHIDIH, P.S.- PALANWA, DISTRICT- EAST CHAMPARAN
4. SHUBHAM PANDEY @ SHUBHAM KUMAR SON OF PRAMOD PANDEY @ PRAMOD KUMAR PANDE R/O VILLAGE- UCHHIDIH, P.S.- PALANWA, DISTRICT- EAST CHAMPARAN
5. SURESH PANDEY SON OF LATE SHARMA MISHRA R/O VILLAGE- UCHHIDIH, P.S.- PALANWA, DISTRICT- EAST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar.
2. Banhu Paswan Son of Jhakar Paswan R/o vill- Uchidih, P.S.- Palanwa, Dist- East Champaran.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Sangeet Deokuliar, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For the Informant	:	Mr. Akshay Ashish, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 12-01-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State and learned Counsel 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



11.04.2022, passed by learned Special Judge (SC/ST Act), East Champaran in connection with Palanwa P.S. Case No.02 of 2022, registered under Sections 341, 323, 379, 354, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r) of the SC/ST Act.

Allegation against the appellants is of abusing, assaulting by fists and slaps while informant was constructing his house. When his wife came there for his rescue, she was also beaten up by them. Appellant No.2 is said to have snatched Rs.1,00,000/- from the informant.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that there is general and omnibus allegation against all accused persons to abuse the informant by naming his caste. The specific allegation is against appellant no.2 that he snatched Rs.1,00,000/- from the informant. Learned counsel for the appellants has relied upon the judgment of the Hon'ble Apex Court passed in the case of Hitesh Verma Vs. State of Uttarakhand & Anr., reported in (2020) 10 SCC 710.

Learned Special P.P. for the State as well as learned



counsel for respondent no.2 opposed the prayer for anticipatory bail of the appellants by submitting that there is specific allegation against appellant no.2 that he snatched Rs.1,00,000/- from the informant.

Taking into consideration the judgment of the Hon'ble Apex Court passed in the case of Hitesh Verma (supra), 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 Special Judge (SC/ST Act), East Champaran, Motihari in connection with Palanwa P.S. Case No.02 of 2022, subject to the conditions 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)

S.KUMAR/-

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