

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2808 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- SC/ST District- Lakhisarai

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PANKAJ YADAV @ PANKAJ KUMAR SON OF BALESHWAR YADAV
@BALE YADAV RESIDENT OF VILLAGE- KHEMTARNI STHAN, PS-
SURYAGARHA, DISTT- LAKHISARAI

... .. Appellant/s

Versus

1. The State of Bihar
2. DIPAK KUMAR SON OF BANWARI DAS @ BANO DAS RESIDENT
OF VILLAGE- KHEMTARNI STHAN, PS- SURYAGARHA, DISTT-
LAKHISARAI

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Mayank Bilochan, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP. Mr. Alok Ranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 04-10-2023 Heard learned counsel for the appellant through

virtual proceedings, learned counsel for the informant and

learned Spl.PP. for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory
bail vide order dated 31.05.2023 passed by learned
Additional District & Sessions Judge 1st cum Special Judge



(SC/ST Act), Lakhisarai in connection with Lakhisarai S.C/S.T. P.S. Case No. 21 of 2023 registered under Sections 447, 341, 504, 506 of the Indian Penal Code and Section 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case, in brief, is that on 30.03.2023 at about 11.00 AM, the *Mukhiya* of the village came to the informant and thereafter, scuffle took place between *Mukhiya* and Member of Ward No.9. She also abused the informant by taking his caste name and threatened to kill him.

4. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case as he happens to be husband of the accused *Mukhiya*. There is general and omnibus allegation of slating the informant by taking his caste name against the appellant. Prior to the present case, two more false cases have been lodged by the informant



against the appellant, which is also mentioned in para 10 of this memo of appeal. Appellant has two criminal antecedents.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposes the prayer for bail and submits that appellant has suppressed his criminal antecedents, as he has four criminal antecedents, but only two criminal antecedents were mentioned in para 3 of this memo of appeal.

6. In the facts and circumstances of the case, as there is general and omnibus allegation against the appellant, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge 1st cum Special Judge (SC/ST Act), Lakhisarai in connection with Lakhisarai S.C/S.T. P.S. Case No. 21 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



7. The learned Court below is directed to verify the criminal antecedent of the appellant and if it is found that the appellant is involved in some other cases as what has been mentioned in Para 3 of the memo of appeal, the bail bond of the appellant shall not be accepted by the learned Court below.

8. Accordingly, the impugned order is set aside and this appeal is disposed of.

(Anjani Kumar Sharan, J)

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