

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3113 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- SUGAULI District- East Champaran

LADDU PANDEY @ ASHOK PANDAY S/o Biran Pandey @ Virendra
Pandey Resident of Village- Gigha, P.S.- Sugauli, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalan Ram S/o Aklu Ram Resident of Village- Gidha, P.S.- Sugauli, District-
East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar , Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-07-2023 1. Heard learned counsel for the appellants, the State
and respondent no.2.

2. The present appeal is directed against the order dated 03.08.2022, passed in a case registered for the offence punishable under Sections 147, 341, 323, 324, 354, 379, 504, 506 of the Indian Penal Code read with Sections 3 (i) (r) (s) of the SC/ST (POA) Act, whereby anticipatory bail of the appellants has been rejected.

3. On 11.04.2022, while informant with his wife and bhabhi harvesting wheat crop, all the accused persons including this appellant armed with various weapons came and assaulted the informant and his family members and also abused by caste



name.

4. It is submitted that due to land dispute a simple occurrence of maarpeet took place between the parties. Case and counter case. Injury allegedly caused by the appellant has been found simple in nature by the doctor. Insult caused to the respondent no.2 is not based on the caste, as such, no case under SC/ST Act is made out. Appellant claim clean antecedent.

5. Learned counsel for the state and respondent no.2 opposed the prayer for bail.

6. Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 03.08.2022 is set aside.

7. Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Special Judge, S.C/S/T/ Act, East Champaran, Motihari in connection with A.B.P. . No., 2814 of 2022 arising out of Sugauli P.S. Case No. 183 of 2022, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal



Procedure.

(Prabhat Kumar Singh, J)

Kaushik/-

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