

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.995 of 2021**

Arising Out of PS. Case No.-263 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

1. SHARDA PANDEY @ SHARDANAND PANDEY S/o Late Ganga Pandey Resident of Village- Bhakhar, P.S.- Mohniya, Distt- Kaimur.
2. Ajit Pandey S/o Baldau Pandey Resident of Village- Bhakhar, P.S.- Mohniya, Distt- Kaimur.
3. Guru Pandey @ Guru Pratap Pandey S/o Jai Pandey Resident of Village- Bhakhar, P.S.- Mohniya, Distt- Kaimur.
4. Alok Pandey Son of Jai Pandey Resident of Village- Bhakhar, P.S.- Mohniya, Distt- Kaimur.
5. Ghanshyam Pandey S/o Deomuni Pandey Resident of Village- Bhakhar, P.S.- Mohniya, Distt- Kaimur.
6. Ramnarayan Pandey @ Rajnarayan Pandey S/o Vakil Pandey Resident of Village- Bhakhar, P.S.- Mohniya, Distt- Kaimur.
7. Manoj Pandey S/o Nanhuk Pandey Resident of Village- Bhakhar, P.S.- Mohniya, Distt- Kaimur.
8. Vinayak Pandey @ Vinay Pandey S/o Manhuk Pandey Resident of Village- Bhakhar, P.S.- Mohniya, Distt- Kaimur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Malti Devi Munna Ram Village-Bharkhar,P.S-Mohaniya,District-Kaimur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad , Advocate
For the Respondent/s : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5 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 25.09.2020, passed in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 504, 506 of



the Indian Penal Code read with Sections 3 (i) (v) (s), 3(2)(va) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

3. The prosecution case, in brief, is that on the alleged date and time of occurrence these petitioner along with other co-accused armed katta, lathi, danda, gun in their hand damaged the statue of Ambedkar and also assaulted and abused the informant by cast name.

4. It is submitted that due dispute over pathway a simple occurrence of maarpet took place between two groups. Allegation of assault is general and omnibus. Case and counter case. Incident did not take place within public view, as such, no case under SC/St Act is made out. Appellants 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 25.09.2020 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 learned A.D.J. Ist-cum-Spl. Judge, Kaimur at Bhabhua in connection with Mohaniya P.S. Case No. 263 of 2020, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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