

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3925 of 2022

Arising Out of PS. Case No.-284 Year-2022 Thana- GOVINDPUR District- Nawada

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1. SANJAY PANDEY S/o Mdhusudan Pandey R/o Village- Sarkanda, P.S.- Govindpur, Distt- Nawada.
 2. YADUNANDAN YADAV S/o Late Tilakdhari Yadav R/o Village- Sarkanda, P.S.- Govindpur, Distt- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. UDAY DAS S/o Yamuna Das R/o Village- Sarkanda, P.S.- Govindpur, Distt- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Durgesh Nandan, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-01-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned counsel for the appellants undertakes to remove
the defects within four weeks.

This is an appeal under Section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 as Amended Act, 2015 against the refusal of prayer of
anticipatory bail vide order dated 14.10.2022 passed by learned
learned Exclusive Special Court, Scheduled Caste and
Scheduled Tribes (POA) Act, Nawada in connection with
Govindpur P.S. Case No. 284 of 2022 registered under Sections



341, 323, 504, 506/34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

Allegedly, after some altercation, petitioners started abusing the informant by taking his caste name. They also threatened him.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. No such occurrence as alleged has ever been taken place. The whole prosecution story is false, concocted and fabricated. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained any injury. It is further submitted that the occurrence took place on 14.07.2022, but the FIR was lodged on 12.08.2022, after delay of 28 days without giving any explanation which creates a serious doubt on the veracity of the prosecution case. He further submits that similarly situated co-accused has been granted anticipatory bail in Cr.Misc.No. 4132 of 2022 vide order dated 14.12.2022. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, 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 Exclusive Special Court, Scheduled Castes and Scheduled Tribes (P.O.A.) Act, Nawada in connection with Govindpur P.S. Case No. 284 of 2022, subject to the condition 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)

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