

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.482 of 2024**

Arising Out of PS. Case No.-61 Year-2023 Thana- SC/ST District- Gaya

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1. Sintu Kumar @ Sintu Pandit Son of Shadhu Pandit Village-Bihra Ps- Mahkar Dist- Gaya
  2. Subi Devi wife of Late Sindhu Pandit Village-Bihra Ps- Mahkar Dist- Gaya
  3. Megha Kumari D/o- Sadhu Pandit Village-Bihra Ps- Mahkar Dist- Gaya
  4. Umesh Pandit son of Late Sahdeo Pandit Village-Bihra Ps- Mahkar Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Poonam Devi wife of Vijay Das R/o- Pirkhasaray Ps- Khizarasara Dist- Gaya

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr.Aryan Singh                   |
| For the Resp. No. 2  | : | Mr. Priyadarshi Pankaj Raj Anand |
| For the Respondent/s | : | Mr.Sadanand Paswan               |

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

4      27-09-2024                      Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the rejection of prayer for anticipatory bail vide order dated dated 15.12.2023 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in A.B.P. No. 427 of 2023 in connection with SC/ST P.S. Case No. 61 of 2023 registered for the offence/s punishable u/s 341, 323, 452, 354A,



504, 506/ 34 of the Indian Penal Code, Sections 34 of the Daain Act and Sections 3(i) (r) (s) (2b) of the SC/ST Act.

3. As per the prosecution case, the appellants and the co-accused persons are alleged to have abused the informant by calling her caste name and dragged her out of her house with intent to kill. The appellants and the co-accused persons brought five litres of Kerosene oil to sprinkle and burn the informant on the pretext of Daain.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per the FIR, no member of the public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. The appellant no. 2 and 3 are ladies. There is general and omnibus allegation against the appellants. The appellants have clean antecedent as stated at para 3 of the bail petition. Similarly situated co-accused has already been granted bail by this Court vide order dated 11.07.2024 passed in Cr. Appeal (SJ) No. 1606 of 2024.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.



6. In view of the aforesaid facts and circumstances of the case as well as finding some substance in the contention of the learned counsel for the appellants, the impugned order dated 15.12.2023 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in A.B.P. No. 427 of 2023 in connection with SC/ST P.S. Case No. 61 of 2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, 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 anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Gaya in A.B.P. No. 427 of 2023 in connection with SC/ST P.S. Case No. 61 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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