

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2010 of 2024

Arising Out of PS. Case No.-75 Year-2024 Thana- BODHGAYA District- Gaya

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1. Pawan Pandey @ Pawan Kumar S/o- Late Raj Kumar Pathak Village- Pachhatti PS-Bodhgaya District- Gaya
 2. Akash Pandey @ Akash Kumar son of Pawan Pandey @ Pawan Kumar Village- Pachhatti PS-Bodhgaya District- Gaya
 3. Golu Pandey @ Vikash Kumar son of Pawan Pandey @ Pawan Kumar Village- Pachhatti PS-Bodhgaya District- Gaya

... .. Appellants.

Versus

1. The State of Bihar.
2. Shila Devi, wife of Vimlesh Paswan, resident of village Harijan Colony, P.O. & P.S. Bodh Gaya, District Gaya.

... .. Respondents.

Appearance :

For the Appellant/s : Mr. Rakesh Kumar Sharma, Advocate

For the Respondent/s : Mrs. Usha Kumari-1, Special P.P.

For the Respondent No.2: Mr. Amresh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-12-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

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 15.03.2024 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Bodh Gaya P.S. Case No. 75 of 2024 registered under Sections 366A & 504/34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

3. Appellants are said to have enticed away the daughter of the informant due to ulterior motive.

4. 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. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. It is further submitted that the victim has not supported the prosecution case in her statement recorded under Section 161 Cr.P.C. It is further submitted that both the parties have compromised the matter. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State assisted by learned counsel for the respondent no.2 opposed the prayer for bail.

6. In the facts and circumstances of the case, let 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 Judge (SC/ST Act), Gaya in



connection with Bodh Gaya P.S. Case No.75 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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