

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2275 of 2023**

Arising Out of PS. Case No.-555 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

1. Manoj Kumar Pandey @ Manoj Pandey @ Mintu Pandey, (Male), aged about 42 years, Son of Chandramani Pandey, Resident of Village- Rupauli, P.S.- Patori, Distt- Samastipur.
2. Pravin Ranjan @ Sonu Pandey, (Male), aged about 34 years, Son of Chandramani Pandey, Resident of Village- Rupauli, P.S.- Patori, Distt- Samastipur.
3. Surya Prakash @ Ankit Kumar @ Sury Prakash, (Male), aged about 21 years, Son of Rajesh Kumar Pandey @ Ranjeet Pandey, Resident of Village- Rupauli, P.S.- Patori, Distt- Samastipur.
4. Rajesh Kumar Pandey @ Ranjeet Pandey, (Male), aged about 40 years, Son of Late Jitu Pandey, Resident of Village- Rupauli, P.S.- Patori, Distt- Samastipur.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

**Appearance :**

|                    |   |                                                                        |
|--------------------|---|------------------------------------------------------------------------|
| For the Appellants | : | Mr. Y.C. Verma, Sr. Advocate and Mr. Satyendra Narayan Singh, Advocate |
| For the Informant  | : | Mr. Kumar Praveen, Advocate                                            |
| For the State      | : | Mrs. Usha Kumari 1, Spl. P.P.                                          |

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

ORAL ORDER

7      05-01-2024                      Heard learned senior counsel for the appellants, learned counsel for the informant and learned Spl. P.P. for the State.

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 of



the appellants vide order dated 12.04.2023, passed by the learned I/C Special Judge, SC/ST Act, Samastipur in A.B.P. No. 1042 of 2023 in connection with Patory P.S. Case No. 555 of 2022 registered for the offences punishable under Sections 147, 149, 307, 384 of the Indian Penal Code and Sections 3(1)(s)(r) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case, in brief, is that the appellants alongwith other co-accused persons after forming an unlawful assembly and holding weapons in their hands, surrounded the informant and started abusing him and demanded extortion of Rs. 1,00,000/- and threatened him. It has further been alleged that the appellant no. 1 also slapped the informant and snatched Rs. 1208/- from his pocket. Further on 12.08.2021, the appellants and other co-accused persons again abused the informant by calling his caste name and assaulted him with lathi and dragged him on the road causing head and teeth injuries.

4. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have falsely been implicated in the present case due to ulterior motive. It is submitted that as per the complaint case, the occurrence took place on 24.05.2021 at 9.00 A.M. and 8.00 P.M. and on



12.08.2021 at 8.00 A.M. but the complaint was filed on 13.08.2021 which came to be registered as F.I.R. under Section 154 Cr.P.C. on 01.12.2022 which was seen on 02.12.2022 by the learned court below. There is Title Suit No. 71 of 2021 pending between the parties, annexed as Annexure-2 to the memo of appeal. There is general and omnibus allegation against the appellants. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under SC/ST Act is made out against the appellants. The appellant nos. 1 and 3 have clean antecedents and the appellant no. 2 has one criminal antecedent and the appellant no. 4 has two criminal antecedents as stated in paragraph nos. 2 and 3 respectively of the supplementary affidavit filed on behalf of the appellants.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant have opposed the prayer for anticipatory bail of the appellants. It has been submitted by learned counsel for the informant that the informant had purchased two pieces of land from the agnate of the appellants and when he went to fill up the earth on the same land the appellants assaulted the informant and obstructed him to go on the said land.

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 informant, the impugned order dated 12.04.2023, passed by learned I/C Special Judge, SC/ST (POA) Act, Samastipur in A.B.P. No. 1042 of 2023 in connection with Patory P.S. Case No. 555 of 2022, 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 Special Judge, SC/ST (POA) Act, Samastipur in connection with Patory P.S. Case No. 555 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C

(Chandra Prakash Singh, J)

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