

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2683 of 2023**

Arising Out of PS. Case No.-39 Year-2020 Thana- SC/ST District- Lakhisarai

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PANKAJ KUMAR @ PAPPU YADAV Son of Srikant Yadav Resident of
village - Nawabganj, P.S. - Surajgarha, Distt. - Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. KANT RAM Son of Kailash Ram Resident of village- Nawabganj, P.S. -
Surajgarha, Distt. - Lakhisarai

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rabi Bhushan

For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

6 23-02-2024 Heard learned counsel for the appellant 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 against the refusal of
prayer for anticipatory bail vide order dated 17.11.2022 passed
by the learned Additional District & Sessions Judge- 1st cum-
Special Judge, S.C./S.T. Lakhisarai in connection with A.B.P.
No. 1134 of 2022, arising out of Lakhisarai SC/ST P.S. Case No.
39 of 2020, registered for the alleged offences under Sections
147, 149, 341, 323, 504, 506 of the Indian Penal Code and
Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes
Act.



3. As per the prosecution case, when the informant went to the accused persons to protest about the incident, the appellant and other co-accused persons made statement that “*MARO SHALA DHARI DUSADH KO*” upon which all accused persons started assaulting him with *lathi* and *danda*. It is further alleged that when Sanni Kumar and Rajan Kumar went to pacify the matter then they were also assaulted with *lathi*, *Paina* and also threatened him of dire consequences.

4. Learned counsel for the appellant submitted that the appellant is innocent and has been falsely implicated in this case. The allegation of abusing against the appellant is general and omnibus and no member of public was present at the relevant point of time of the alleged occurrence, hence, no offence under the provisions of SC/ST Act is made out against the appellant. From bare perusal of the F.I.R. the allegation against the appellant is that he is an order giver. There is land dispute between both the parties. The appellant has got two criminal antecedents in which he is on bail.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances



of the case as well as finding substance in the contention of learned counsel for the appellant, the impugned order dated 17.11.2022 passed by the learned Additional District & Sessions Judge- 1st cum-Special Judge, S.C./S.T. Lakhisarai in connection with A.B.P. No. 1134 of 2022, arising out of Lakhisarai SC/ST P.S. Case No. 39 of 2020, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ 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) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge- 1st cum-Special Judge, S.C./S.T. Lakhisarai in connection with A.B.P. No. 1134 of 2022, arising out of Lakhisarai SC/ST P.S. Case No. 39 of 2020, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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