

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2642 of 2022**

Arising Out of PS. Case No.-74 Year-2022 Thana- BANIAPUR District- Saran

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Dhuman Pandey @ Dhuman Kr. Son of Chuchu Pandey Resident of Village -  
Pandey Tola, Puchari P.S. Baniapur, District - Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Nagendra Ram S/o- Hari Nandan Ram Resident of Village P.O.-Puchari P.S.-  
Baniapur District- Saran at Chapra

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Harsh Anuj  
For the Respondent/s : Mr. Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 5      13-11-2024      1. Heard learned Counsel for the appellants and learned  
Additional Public Prosecutor for the State.
2. An order, dated 17.06.2022, passed by learned Additional  
Session Judge III -cum- Special Judge SC/ST, Saran at  
Chapra, in ABP No. 1334 of 2022, is under challenge in  
the present appeal preferred under Section 14-A (2) of the  
Schedule Caste and Schedule Tribes (Prevention of  
Atrocities) Act, 1989, whereby the anticipatory bail  
application of the appellant in connection with Baniapur  
Police Station Case No. 74 of 2022 for the offence  
alleged under Sections 341/323/324/354/447/504/506/34  
of the Indian Penal Code and Section 3 (1)(r)(s)(w) and 3



(2)(va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The memo of appeal in respect of appellant nos. 1, 2 and 4 have already been withdrawn and the appeal only survives for appellant no. 3.
4. The prosecution case, as per the First Information Report, is that on 12.02.2022, at about 08:00 PM, a scuffle took place between the informant and his neighbour, namely, Shankar Ram. In the meanwhile, the appellant no. 3, along with other accused persons, arrived at the door of the informant, called the informant by his caste name, threatened to kill and assaulted him by means of lathi. When the informant's wife intervened to save him, co-accused Piyush Pandey @ Tyre Pandey pulled her on the ground and assaulted with knife. It has further been alleged that the appellant no. 3, along with co-accused Mani Bhushan Prasad, called the informant's son by his caste name and also assaulted him.
5. Learned counsel for the appellants submits that both the parties are co-villagers and the appellant no. 3 has falsely been implicated in the present case due to political rivalry. There is case and counter-case between the appellants and



the informant. The side of the appellants lodged Baniapur Police Station Case No. 77 of 2022 against the informant and others. He further submits that the allegation against the appellant no. 3 calling the informant by his caste name is near the door, which is not in full public view, as such, prima facie offence under SC/ST Act is not attracted.

6. Having regard to the submissions advanced for appellant no. 3 and taking into consideration the fact that both the parties are co-villagers, case and counter-case is there and the allegation against the appellant no. 3 for taking caste name of the informant at the door, which is not in full public view, I am inclined to grant the appellant no. 3 privilege of anticipatory bail.
7. This appeal in respect of appellant no. 3 is, accordingly, allowed and the order, dated 17.06.2022, passed by learned Additional Sessions Judge III -cum- Special SC/ST Act Court, Saran at Chapra, in ABP No. 1334 of 2022, is set aside.
8. Let the appellant no. 3, Dhuman Pandey @ Dhuman Kr., in the event of his arrest or surrender before the Court below within four weeks, be released on bail on



furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -cum- Special Judge, SC/ST Act Court, Saran at Chapra, in connection with Baniapur Police Station Case No. 74 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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