

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3604 of 2022

Arising Out of PS. Case No.-146 Year-2020 Thana- JANTA BAZAR District- Saran

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Binit Kumar Pandey @ Binit Pandey, S/o Sri Ghanshyam Pandey, resident of
village-Basahi, P.S.- Janta Bazar, District- Saran

... .. Appellant

Versus

1. The State of Bihar
2. Sushil Kumar Paswan, S/o Jagdish Manjhi, R/o village-Basahi, P.S.- Janta Bazar, District- Saran (informant).

... .. Respondent

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Appearance :

For the Appellant/s	:	Mrs. Vaishnavi Singh, Advocate Mr. Udbhav, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 13-09-2024

Heard learned counsel for the appellant and
learned Spl.P.P. for the State.

2. The appellant has preferred the present
appeal under Section 14A(2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act (for short
'the Act') for setting aside the impugned order dated
12.07.2022 passed by the learned Additional Sessions
Judge-3rd-cum-Special SC/ST Act, Saran in connection with
Janta Bazar P.S. Case No.146 of 2020 registered for the
offences punishable under Sections 147, 148, 149, 447,



341, 302, 120-B, 506 of the Indian Penal Code, section 27 of the Arms Act and Section 3(1)(r)(s), 3(2)(v) of the Act, whereby the learned trial court has rejected the prayer for anticipatory bail of the appellant.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Notice was issued vide order dated 07.12.2022 by this Court regarding present proceedings in terms of Section 15-A(2) of the Act to the informant.

5. It is submitted by learned Special Public Prosecutor that information already given to informant in terms of aforesaid order but, he failed to join the present proceeding.

6. Accused/appellant is named in the FIR.

7. Allegation against the appellant is to commit murder of brother of the informant along with other co-accused persons, equipped with deadly weapons and also with firearms.

8. Learned counsel for the appellant submitted that specific allegation of assault is against co-accused,



Mrityunjay Pandey and allegation as regard to firing is against Pushkar Pandey, where allegation against appellant is limited to be member of mob only, instigating to fire. It is also submitted that appellant is a man of clean antecedent. While concluding argument, it is submitted that from a bare perusal of FIR, it appears that there is no overt act against the appellant.

9. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh vs. Parasram @ Purushottam*** as reported in ***[2015 (153)AIC 276]***.

10. Learned Special Public Prosecutor while opposing the prayer for anticipatory bail of the appellant fairly conceded the fact that allegation against appellant is very much general and omnibus.

11. In view of aforesaid factual submissions, as no overt act appears to be attributed against the appellant, accordingly, the appellant, above-named, in the event of his arrest or surrender before the trial court within a period of



four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-3rd-cum-Special SC/ST Act Court, Saran in connection with Janta Bazar P.S. Case No. 146 of 2020, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

12. Accordingly, the impugned order dated 12.07.2022 is set aside.

13. The appeal stands allowed.

(Chandra Shekhar Jha, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14-09-2024
Transmission Date	14-09-2024

