

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5432 of 2023

Arising Out of PS. Case No.-640 Year-2022 Thana- BODHGAYA District- Gaya

BAIJU PANDEY SON OF SHYAM PANDEY R/O VILLAGE- MOUNIYA,
P.S.- BODHGAYA, DIST.- GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. LAXMI DEVI W/O DILIP MANJHI R/O VILLAGE- MOUNIYA, P.S.-
BODHGAYA, DIST.- GAYA

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Dilip Kumar Roy, Advocate
For the State	:	Mr. Binay Krishna, , Spl.PP
For Respondent No. 2	:	Mr. Brajesh Kr. Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 08-08-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 19.10.2023, passed in a case registered for the offence punishable under Sections 147, 148, 341, 323, 354, 504 and 506 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, on the alleged date and time of occurrence, all the 11 F.I.R. named accused persons, including this appellant, and 8 to 10 unknown person, assaulted and abused the informant by caste name.



4. It is submitted by learned senior counsel appearing on behalf of the appellant that due to political rivalry, this appellant has falsely been implicated in this case. It is further submitted that injuries allegedly caused by this appellant have been opined to be simple in nature. Moreover, the F.I.R. does not disclose that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. It is further submitted that during pendency of this case, with intervention of well wishers of the parties, the matter has already been compromised and a compromise petition to that effect has been filed before the learned trial court on 07.11.2022. Appellant claims clean antecedents.

5. On the other hand, learned Special P.P. for the State and learned counsel for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 19.10.2023 passed by the Court of learned Special Judge SC/ST (POA) Act, Gaya, in connection with A.B.P. No. 363 of 2023 is



hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST (POA) Act, Gaya, in connection with Bodhgaya P.S. No. 640 of 2022.

(Prabhat Kumar Singh, J)

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