

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.103 of 2024

Arising Out of PS. Case No.-50 Year-2023 Thana- SC/ST District- Rohtas

1. Binod Pandey son of Late Ayodhya Pandey Village- Alampur, PS Sheosagar, Baddi O.P. , Dist. Rohtas
2. Arvind Pandey @ Arvind Kumar Pandey son of Binod Pandey Village Alampur , PS Sheosagar , Baddi O.P. , Dist. Rohtas
3. Chandrabind Pandey son of Binod Pandey Village Alampur , PS Sheosagar , Baddi O.P. , Dist. Rohtas
4. Vikas Yadav @ Ramjee Yadav son of Kalika Yadav Village Alampur , PS Sheosagar , Baddi O.P. , Dist. Rohtas
5. Shankar Yadav son of Biltan Yadav Village Alampur , PS Sheosagar , Baddi O.P. , Dist. Rohtas
6. Lorik Yadav son of Shankar Yadav Village Alampur , PS Sheosagar , Baddi O.P. , Dist. Rohtas
7. Sharvan Yadav @ Om Prakash Yadav son of Shankar Yadav Village Alampur , PS Sheosagar , Baddi O.P. , Dist. Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalti Devi wife of Ganga Ram Village Alampur , PS Sheosagar , Baddi O.P. , Dist. Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajani Kant Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-09-2024 Despite valid service of notice, none appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellants and State.

3. This appeal has been filed against the order dated 12.10.2023 passed by learned ADJ XVII-cum-Exclusive Special Judge SC/ST, Rohtas at Sasaram in connection with Dehri



SC/ST P.S. Case No. 50 of 2023, registered under Sections 147, 148, 149, 341, 323, 354(B), 504, 506 of the Indian Penal Code and Section 3(1)(w), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. It is alleged that on 23.7.23, while informant and her husband were ploughing the field, all the F.I.R. named accused persons including these appellants came there and abused by caste name, forbade them from ploughing the said field and on protest by husband of informant, the accused persons assaulted him. It is further alleged that when informant tried to save her husband, she was also abused and disrobed by accused persons.

5. Learned counsel for the appellants submits that from bare perusal of F.I.R., it is apparent that there is land dispute between the parties and this false case has been lodged only with a view to put pressure upon the appellants and others to settle the civil dispute. Rest of the allegations are ornamental in order to make the case grave. Moreover, F.I.R. does not reveal presence of any member of public when the alleged incident occurred, as such, no offence under SC/ST Act is made out against appellants. It is further submitted that similarly situated co-accused has already been granted anticipatory bail by this



Hon’ble Court *vide* order dated 29.08.2024 passed in Cr. Appeal (SJ) No. 5694 of 2023.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned ADJ XVII-cum-Exclusive Special Judge SC/ST, Rohtas at Sasaram in connection with Dehri SC/ST P.S. Case No. 50 of 2023.

8. Accordingly, the impugned order dated 12.10.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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