

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1812 of 2025

Arising Out of PS. Case No.-581 Year-2024 Thana- BARUN District- Aurangabad

Surendra Pandey S/o Parshuram Pandey Resident of Village- Dhuria, P.S.-
Barun, District- Aurangabad, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Manish Pandey S/o Late Ramlakhan Pandey R/o vill - Dhuriya, P.s.- Barun,
Distt.- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Amrendra Narayan Rai, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	Mr. Madan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-07-2025 Heard learned counsel appearing for the appellant,

learned Special Public Prosecutor appearing for the respondent-

State and learned counsel appearing for the

informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 15.04.2025, passed in a case registered for the offence punishable under Sections 126(2), 115(2), 109, 103(1), 351(2) and 3(5) of Bharatiya Nyaya Sanhita and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of this appellant has been rejected.

3. As per prosecution case, informant, namely



Manish Pandey, alleges that on 19.12.2024, he along with his father and brother was harvesting paddy crop, in the meantime, all the F.I.R. named accused persons, including this appellant, came there and threatened them to stop harvesting. It is further alleged that after some time, they again came variously armed and attacked informant and his father and brother and abused them by caste name. During assault, co-accused Chitranjan Pandey stabbed the informant in the stomach and co-accused Vidya Bhushan Pandey assaulted on head of Ram Lakhan Pandey by means of Garasa causing his death on the spot.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, petitioner has falsely been implicated in this case by the informant due to land dispute. It is further submitted that from bare perusal of the F.I.R. it is apparent that specific allegation of assault is against other co-accused persons and no specific accusation of overt act has been alleged against this petitioner. Except the deceased, other injured persons have sustained simple injuries. Informant does not belong to the S.C. or S.T. community and as such, no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is applicable against the appellant.



Appellant claims clean antecedents.

5. On the other hand, learned Special PP 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 and submitted that appellant is named in the F.I.R. with specific accusation that he, along with other accused persons, abused and committed assault as a result of which one person died on the spot and others sustained injuries.

6. Considering the facts and circumstances of the case and nature of accusation, appellant's prayer for grant of pre-arrest bail is rejected and this appeal stands dismissed.

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

