

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2681 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- SC/ST District- Gopalganj

Sanjay Pandey Son Of Sheo Shankar Pandey Village- Barkagaon, Ps-
Mirganj, Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalita Devi Wife Of Ganesh Ram Village- Barkagaon, Ps- Mirganj, Dist-
Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Pandey No.5, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-04-2025 Despite filing *Vakalatnama*, none appears on behalf
of the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This appeal has been filed against the order dated
30.04.2024 passed by learned Additional Sessions Judge-XI-
cum-Exclusive Special Judge, SC/ST Act, Gopalganj (Bihar) in
connection with A.B.P. No. 994 of 2024 arising out of
Gopalganj SC/ST P.S. Case No. 02 of 2024, registered under
Sections 341, 323, 354, 436, 504, 506, 379/34 of the Indian
Penal Code and Section 3(1)(r)(s)/3(2)(va) of Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act, whereby



the prayer for anticipatory bail of appellant has been rejected.

4. As per prosecution case, on the alleged date and time of occurrence, this appellant assaulted son of the informant by means of *Tangi* and abused him by caste name. It is further alleged that the appellant snatched *Mangalsutra* of the informant and set her house on fire.

5. Learned counsel for the appellants submits that appellant is innocent and has committed no offence. As a matter of fact, present case is counter blast of Mirganj P. S. Case No. 16 of 2024 which was lodged by the appellant against respondent No. 2 and others in which appellant and his family members sustained grievous injury and after lapse of one month, in order to save his skin from the aforesaid case, informant has lodged this false and concocted case. Rest of the allegations are ornamental. Moreover, it is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against the appellant. Appellants claim clean antecedent.

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

7. Considering the nature of accusation and clean antecedent, let the appellant, as named above, in the event of his



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 Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Goplaganj (Bihar) in connection with Gopalganj SC/ST P.S. Case No. 02 of 2024.

8. Accordingly, this criminal appeal is allowed and impugned order dated 30.04.2024 is set aside with respect to these appellant only.

(Prabhat Kumar Singh, J)

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