

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3019 of 2024

Arising Out of PS. Case No.-172 Year-2024 Thana- UDWANTNAGAR District- Bhojpur

- 1 . SANTOSH PANDEY S/O MOHAN PANDEY devariyaR/O VILLAGE-DEVARIYA, P.S- UDWANTNAGAR, DISTT.- BHOJPUR.
2. MITHLESH @ MITHLESH PANDEY S/O MOHAN PANDEY devariyaR/O VILLAGE- DEVARIYA, P.S- UDWANTNAGAR, DISTT.- BHOJPUR.
- 3 . MANORANJAN KUMAR @ MANORANJAN PANDEY S/O MOHAN PANDEY devariyaR/O VILLAGE- DEVARIYA, P.S- UDWANTNAGAR, DISTT.- BHOJPUR.
4. JAI PRAKASH PANDEY S/O DEV PUJAN PANDEY devariyaR/O VILLAGE- DEVARIYA, P.S- UDWANTNAGAR, DISTT.- BHOJPUR.

... .. Appellant/s

Versus

- 1 . THE STATE OF BIHAR
2. DHARMENDRA KUMAR S/O RAM MOHAN BAITHA R/O VILLAGE-DEVARIYA, P.S- UDWANTNAGAR, DISTT.- BHOJPUR.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravindra Kumar , Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, APP
For informant	:	Mr. Diwakar , Advocate
		Mr. Deepak Kumar , Advocate
		Ms. Priya Kumari , Advocate
		Ms. Anjali Kumari , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 01-05-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 29.05.2024 , passed in a case registered for the offence punishable under sections 341, 323, 504, 506, 308 , 354, 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s), 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . The prosecution case in brief, is that on 29.04.2024 at about 03:00 PM, informant along with his family members were sitting in his hut, in the meantime , all the accused persons including these appellants came there and started abusing, upon protest by informant, all the accused persons assaulted informant by means of butt of pistol and damaged house .

4. It is submitted that on account of land dispute between both the parties this false and concocted case has been lodged against these appellants. Prior to the alleged occurrence , appellant No. 2 has lodged Udwanthnagar P S Case No. 173 of 2024 against informant and others for encroaching upon the government land situated in front of house of these appellants. In this regard, on 15.10.2023 , father of appellant Nos. 1 to 3 filed an application before the Officer in charge of Udwanthnagar police station under section 107 Cr. P C. The proceeding under section 107 Cr. P C is also pending in the Court of Sub Divisional Magistrate , Bhojpur Ara . Allegation of assault is general and omnibus against these appellants. Injury sustained by informant is simple in nature . There is no injury report of wife of informant on record. It is not the case of informant that



any member of public was present at the time of incident, as such no case under SC / ST Act is made out. Appellants claim clean antecedent.

5 . Learned counsel for the respondent No. 2 and learned special Public Prosecutor for the State opposed the prayer for bail.

6. Considering the nature of injury , clean antecedents and circumstances of case , this appeal is allowed and the impugned order is set aside. Let the appellants, 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) each with two sureties of the like amount each to the satisfaction of the learned Additional sessions Judge – cum-special Judge (SC & ST Act) Bhojpur at Ara in connection with Udwantnagar Police Station Case No. 172 of 2024 .

(Prabhat Kumar Singh, J)

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