

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4684 of 2023

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

Moula Pandey @ Pawan Pandey Son Of Late Devta Pandey Resident Of
Village- Nevtapur, Ps- Bodhgaya, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Lakshmi Devi Wife Of Dilip Manjhi Resident Of Village- Mouniya, Ps- Bodhgaya, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant	:	Mr.Ashutosh Kumar
For the State	:	Mrs.Usha Kumari 1
For Respondent no. 2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 18-04-2025 Heard learned counsels for the appellant and learned
Special P.P. for the State.

2. This appeal has been filed for setting aside order dated 14.12.2022 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 and other four co-accused has been rejected.

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



4. Learned counsel appearing on behalf of the appellant submits that due to political rivalry, this appellant has been implicated in this case. He further submits 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 SC/ST Act is made out against this appellant. He next submits that during pendency of this case, with intervention of well wishers of the parties, the matter has been compromised between the parties. Co-accused Baiju Pandey, having similar and identical allegation, has already been granted anticipatory bail by this Court, *vide* order dated 08.08.2024 passed in Cr.Appeal (SJ) No. 5432 of 2023. Appellant claims clean antecedents.

5. Learned Special P.P. for the State opposed the prayer for bail of appellant.

6. Considering the aforesaid facts and circumstances of the case, the impugned order dated 14.12.2022, so far as this appellant is concerned, is hereby set aside and this appeal is allowed.

7. Accordingly, let the appellant, as named above, in the event of arrest/surrender within a period of eight weeks from



today, 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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