

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3338 of 2023

Arising Out of PS. Case No.-555 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

1. Krishan Ballav Pandey @ Satish Pandey Son Of Late Kameshwar Pandey Resident Of Village Rupauli, Ps Patori, Dist- Samastipur
2. Murlidhar Pandey @ Sajan Pandey Son Of Late Kameshwar Pandey Resident Of Village Rupauli, Ps Patori, Dist- Samastipur
3. Shyam Murari Pandey @ Madan Pandey Son Of Late Kameshwar Pandey Resident Of Village Rupauli, Ps Patori, Dist- Samastipur
4. Gunjan Pandey @ Ravi Kumar Pandey Son Of Shyam Murari Pandey Resident Of Village Rupauli, Ps Patori, Dist- Samastipur
5. Chandan Kumar Pandey @ Chandan Pandey Son Of Shyam Murari Pandey @ Madan Pandey Resident Of Village Rupauli, Ps Patori, Dist- Samastipur
6. Abhishek Kumar @ Tutu Son Of Sadan Pandey Resident Of Village Rupauli, Ps Patori, Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Anand Kumar Son Of Late Ram Punit Das Resident Of Village- Rupauli, Ps- Patori, Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bibhakar Tiwary, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Kumar Praveen, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-04-2026 Heard learned counsel for the appellants, respondent no. 2 and the State.

2. This appeal has been filed against the order dated 24.05.2023 passed by learned Special Judge, SC/ST (POA) Act, Samastipur in ABP No. 1318 of 2023 arising out of Patori P.S. Case No. 555 of 2022 registered under Sections 147, 149, 307, 384 of the Indian Penal Code and Section 3(1)(r)(s), 3(2)(v) of



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per F.I.R., all the named accused persons, including these appellants abused the informant by caste name and assaulted him.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. As a matter of fact, respondent no. 2 in collusion with Dhananjay Pandey fraudulently executed two sale deeds dated 27.08.2020 and 24.02.2021 in his favour with regard to the lands of these appellants for which appellants preferred petition before the Sub-Divisional Magistrate, Patori on the basis of which, proceeding under Section 144 Cr.P.C. bearing case MR No. 210 of 2021. It is further submitted that respondent no. 2 violated the order dated 1.06.2021 passed under Section 144 Cr.P.C. as a result of which proceeding under Section 188 of the Indian Penal Code was also initiated against him. Appellant no. 1 had also preferred Title Suit No. 71 of 2021 before the court of Civil Judge, Junior Division, Shahpur Patori, Samastipur for declaring the sale deeds dated 27.08.2020 and 24.02.2021, executed in favour of respondent no. 2, as illegal, inoperative and not



binding which is still pending for consideration. Falsity of the prosecution case would be evident from the fact that Dr. Krishna Murari Pandey who died on 3.12.2020 has also been made accused in the complaint petition. Allegation of assault is general and omnibus and there is no allegation of any specific overt act against these appellants. Informant has not alleged that any member of public was present at the place of occurrence and as such, no case under SC/ST Act is made out against the appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the bail application.

6. 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 Special Judge, SC/ST (POA) Act, Samastipur in ABP No. 1318 of 2023 arising out of Patori P.S. Case No. 555 of 2022.

7. Accordingly, this criminal appeal is allowed and impugned order dated 24.05.2023 is set aside with respect to



these appellants only.

(Prabhat Kumar Singh, J)

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