

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5331 of 2024

Arising Out of PS. Case No.-239 Year-2024 Thana- SHEOHAR District- Sheohar

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1. Sanjay Pandey S/O Late Surendra Pandey Resident of Village-Daud Chapra, P.S. Sheohar, District-Sheohar .
 2. Sarvesh Pandey S/O Late Surendra Pandey Resident of Village-Daud Chapra, P.S. Sheohar, District-Sheohar .
 3. Rakesh Pandey S/O Late Surendra Pandey Resident of Village-Daud Chapra, P.S. Sheohar, District-Sheohar .

... .. Appellant/s

Versus

1. The State of Bihar
2. Suraj Kumar Son of Dayashankar Baitha Resident of village- Daud Chapra, P.S. Sheohar, District- Sheohar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Devendra Kumar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 02-04-2026 1. Heard the learned counsel for the appellants and the learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 08.10.2024 passed by the learned Additional Sessions Judge-cum-Special Judge, Sheohar in connection with ABP No.312 of 2024 arising out of Sheohar P. S. Case No. 239 of 2024, instituted for the offences under Sections 126(2), 127(2), 115(2), 352, 3(5), of the B.N.S. and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail



has been rejected.

3. The learned counsel appearing on behalf of the appellants submits that informant despite receiving notice chooses not to appear. It is next submitted that appellant no.1 has antecedent of one case, appellant no.2 is a person with clean antecedent and appellant no.3 has antecedent of four cases and the informant alleges that he had gone to attend a field on 23.08.2024 and sat on the chair, on which appellants abused him by taking caste name and assaulted by fists and made him captive. Accordingly, he dialed 112, when police came and took him to the hospital.

4. The learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is further submitted that appellants and the informant are on litigating terms and the same has been pleaded specifically at Para-9 of the appeal as informant had earlier instituted SC/ST P. S. Case No.07 of 2024 against the appellants. It is also submitted that allegation of abuse and assault is general and omnibus in nature. It is next submitted that as far as allegation of making captive is alleged, the same stands falsified by the fact that informant himself alleges he had called the police.



5. Regard being had to the aforesaid submissions, the order dated 08.10.2024 is set-aside.

6. The appeal stands allowed.

7. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, Sheohar in connection with ABP No.312 of 2024 arising out of Sheohar P. S. Case No. 239 of 2024, subject to the conditions laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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