

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.808 of 2017

Arising Out of PS. Case No. -38 Year- 2016 Thana -SABAUR District- BHAGALPUR

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Kundan Kumar Pandit, Son of Umesh Pandit, Resident of Village
Chandhare, P.S. Sabour, District Bhagalpur

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant : Mr. Binod Kumar Sinha, Advocate

For the Respondent : Special PP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

5 26-07-2017 Heard learned counsel for the appellant and learned
APP for the State.

2. By this appeal, the appellant, who is in custody since 02.03.2016, has renewed his prayer for bail in connection with Sabour P.S. Case No. 38 of 2016 registered for the offences under Section 302/34 of the Indian Penal Code and Section 3(II) (V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act having earlier been rejected by order dated 12.07.2016 in Criminal Miscellaneous No. 27289 of 2016.

3. Learned counsel for the appellant submits that in a subsequent development, the viscera report is now available according to which Ethyl Alcohol along with Aluminium Phosphide, the latter commercially known as "CELPHOS" which is highly poisonous substance, was detected in the decomposed tissues of viscera. It is, therefore, submitted that the accusation of assault by lathi, fists etc. is not corroborated.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case as well as the period of custody since 02.03.2016 already suffered, let the appellant above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten



thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II, Bhagalpur in connection with Sabour P.S. Case No. 38 of 2016 with the following conditions:

(i) That one of the bailors shall be a close relative of the appellant.

(ii) That the appellant shall not indulge in any similar offence till conclusion of the trial.

(iii) That the appellant shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The appellant shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

5. This appeal accordingly stands disposed of.

(Vikash Jain, J)

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