

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3439 of 2017

Arising Out of PS.Case No. -413 Year- 2016 Thana -LAKHISARAI District- LAKHISARAI

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1. Pankaj Sahni Son of Upendra Sahni Resident of Village-Balgudar P.S. & District Lakhisarai

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arvind Kumar Singh

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 07-02-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T.), Lakhisarai in Lakhisarai P.S. Case No. 413 of 2016 registered under Sections 302, 201/34 of the Indian Penal Code as well as Sections 3(2)(v) of the SC/ST Act.

The FIR of the murder of the husband of the informant is against unknown. The informant stated that she will disclose the name of the assailant when she would get the information.

Submission is that after ten months of the FIR, name



of the appellant surfaced on suspicion that there was land dispute between the appellant and the deceased. Hence, appellant might have committed the murder.

Learned Special Public Prosecutor has opposed the prayer for bail.

Considering the fact that only material against the appellant is suspicion which surfaced at very belated stage of investigation, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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