

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1644 of 2019

Arising Out of PS. Case No.-715 Year-2018 Thana- MOHANIYA District- Kaimur (Bhabua)

Rakesh Pandey @ Vishal Pandey Son of Ram Dular Pandey Resident of
Village- Baghini, P.S.- Mohania, District- Kaimur at Bhabua.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajani Kant Pandey
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

8 13-08-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail vide order dated 18.02.2019 passed by learned 1st Addl. Sessions Judge, Kaimur at Bhabua in Mohania P.S. Case No. 715 of 2018 registered under Sections 302, 307, 324, 326/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant along with Manish Pandey, Vikash Yadav and others had gone to Deepu Pandey to settle the



matter of money transaction, said Deepu Pandey along with 9-10 unknown miscreants surrounding them on the way resorted indiscriminate firing in which the informant, Vikash Yadav and one other person, namely, Bharat Pasi, who was purchasing the vegetable sustained bullet injury and said Vikash Yadav and Bharat Pasi succumbed to their injury during the course of treatment.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics and animosity. The informant has not named the appellant in the occurrence. Companions of the appellant have not been examined by the prosecution. Appellant is not named in the FIR. There is no eyewitness of resorting firing by the appellant during the course of occurrence. Only C.D.R of the mobile phone of the appellant indicates his presence at the place of occurrence. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has been languishing in custody since 05.01.2019.

Per contra, learned Spl. P.P. for the State opposing the bail prayer of the appellant submitted that the appellant has participated in the occurrence, CDR of mobile of the deceased



indicates his presence at the place of occurrence at the time of occurrence, hence, he does not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail for the present. Accordingly, his prayer is rejected.

However, appellant shall be at liberty to renew his prayer of bail after framing of charge.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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