

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1712 of 2019

Arising Out of PS. Case No.-12 Year-2019 Thana- JANTA BAZAR District- Saran

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1. Rajesh Pandey Son of Dharmnath Pandey Resident of Village - Panditpur, P.S.- Janta Bazar, District- Saran, Chapra
 2. Vijay Pandey Son of Rajesh Pandey Resident of Village - Panditpur, P.S.- Janta Bazar, District- Saran, Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Dilip Kumar Baitha Son of Late Anurag Baitha Resident of Village - Panditpur, P.S.- Janta Bazar, District- Saran, Chapra

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 04-07-2019 Heard learned counsel for the appellants and learned Spl. P.P. for the State.

The appellants seek pre-arrest bail in connection with Jatna Bazar P.S. Case No. 12 of 2019 registered for the offence punishable under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

In the course of regressing from the court after giving deposition, the appellants are said to have intercepted the informant arriving there on the motorcycle and slated him in the name of his caste over giving deposition against them and



became adamant to throw acid upon him but left the scene on arrival of the villagers.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to land dispute. As a matter of fact, the informant had purchased some land from the appellant no.1, but he never got the land demarcated, resultantly, dispute cropped-up between them, for which the informant has filed application before Circle Officer, Janta Bazar. The said application was rejected by the said incumbent on 14.07.2018. Regarding the same date of occurrence, the informant has given petition before SHO Janta Bazar with altogether contradictory fact regarding place of occurrence, number of accused persons involved in the occurrence and vehicle used by them which creates serious doubt about the prosecution case. The occurrence is said to be of 18.01.2019, but the FIR has been lodged after inordinate and abnormal delay of four days without assigning any plausible reason for the aforesaid delay.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of



their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Saran at Chapra in connection with Jatna Bazar P.S. Case No. 12 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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