

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3962 of 2019

Arising Out of PS. Case No.-452 Year-2017 Thana- MAJHAULIA District- West Champaran

1. Pappu Pandey Son of Late Jagdish Pandey Resident of Village- Satbhirwa, P.S.- Majhaulia, District- West Champaran
2. Mira Devi Wife of Late Jagdish Pandey Resident of Village- Satbhirwa, P.S.- Majhaulia, District- West Champaran

... Appellants

Versus

The State of Bihar

... Respondent

Appearance :

For the Appellants : Mr.Sachida Nand Rai, Advocate

For the Respondent : Mr.Sadanand Paswan, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-11-2019 Heard learned counsel for the appellants and learned Additional Public Prosecutor representing the State.

Appellants apprehend their arrest in a case registered for the offence under sections 341, 323, 504/34 of the Indian Penal Code read with section 3(2)(va) 3(i)(r) of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989.

It is submitted on behalf of the appellants that the appellants have falsely been implicated in this case. FIR has been lodged after lapse of nine days of occurrence without giving any explanation of delay. Petitioners have no criminal antecedent. No case under the SC/ST Act is made out against them. Even there is no allegation of overt act against appellant no.2. There is a case and counter case between the parties.

Learned counsel appearing for the State opposes the prayer for bail to the appellants.

Considering the facts and circumstances of the case discussed above, let both the appellants mentioned above surrender within a period of six weeks and on surrender they



will be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge 1, cum Special Judge, (SC/ST/POCSO Act), Bettiah, District West Champaran in Majhauria Police Station Case No. 452/2017, on the following conditions:-

(1) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the appellants temper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

The criminal appeal is allowed and the impugned order dated 2.8.2019, passed by the Additional Sessions Judge 1, cum Special Judge, (SC/ST/POCSO Act), Bettiah, District West Champaran, is set aside.

(Prabhat Kumar Singh, J)

Shashi

U		T	
---	--	---	--

