

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4510 of 2019

Arising Out of PS. Case No.-30 Year-2019 Thana- SC/ST District- Nalanda

BALINDRA ROY @ BALENDRA ROY Son of Late Ambika Roy Resident of Village - Siswaniya, P.S.- Uchkagaon, District- Gopalganj at present posted as Asstt. Sub-Inspector, Nagarnausa, Police Station, District- Nalanda at Bihar Sharif

... .. Appellants

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3920 of 2019

Arising Out of PS. Case No.-30 Year-2019 Thana- SC/ST District- Nalanda

1. KAMLESH KUMAR Son of Naresh Sao Resident of Village - Saidpura, P.S.- Nagarnausa, Distt - Nalanda.
2. Dayanand Sao @ Laddu Sao Son of Naresh Sao Resident of Village - Saidpura, P.S.- Nagarnausa, Distt - Nalanda.
3. Naresh Sao Son of Jhagaru Sao Resident of Village - Saidpura, P.S.- Nagarnausa, Distt - Nalanda.

... .. Appellants

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 4489 of 2019

Arising Out of PS. Case No.-30 Year-2019 Thana- SC/ST District- Nalanda

1. PAWAN SAO @ PANNU SAO Son of Naresh Sao Resident of Village- Saidpura, P.O-Korari, P.S-Nagarnausa, District-Nalanda.
2. Devi Nandan Kumar Son of Naresh Sao Resident of Village-Saidpura, P.O-Korari, P.S-Nagarnausa, District-Nalanda.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :



(In CRIMINAL APPEAL (SJ) No. 4510 of 2019)

For the Appellant/s : Mr.Sanjana

For the Respondent/s : Mr.Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 3920 of 2019)

For the Appellant/s : Mr. Ajay Kumar Thakur, Adv.

Mr. Nilesh Kumar Kumar, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

(In CRIMINAL APPEAL (SJ) No. 4489 of 2019)

For the Appellant/s : Mr. Ramakant Sharma, Sr. Adv.

Mr.Lakshmi Kant Sharma, Adv.

For the Respondent/s : Mr. Usha Kumari No. 1, Special.P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 16-12-2019 As all the above three appeal arise out of same police station case number, they are being disposed of by this common order.

Heard learned counsels for the appellants in all the above appeals and learned Special P.P.

The appellants in all the above appeals seek regular bail in connection with SC/ST P.S. Case No. 30/2019, registered for offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 3(1)(r)(s), 3(2)(v)(a)(va) of Scheduled Caste and Scheduled Tribes (Prevention and Atrocities) Act.

Allegation as per F.I.R. is that appellant Balindra Roy in Criminal Appeal (SJ) No. 4510/2019 and Chowkidar Jitendra and Sanjay Kumar as well as Kamlesh Kumar came to the house of informant and abused the father of informant by caste name and apprehended him and taken him to police station. Later on



Jitendra Kumar informed the informant that his father died and asked him to take the dead body. It is alleged that they reached the police station and saw several injuries on the dead body of the deceased and they suspected that accused persons assaulted and killed his father. The informant also suspects the hands of appellants of Criminal Appeal (SJ) No. 3920/2019 as well as the appellants of Criminal Appeal (SJ) No. 4489/2019.

Submission of learned counsel appearing on behalf of appellant Balindra Roy is that he has falsely been implicated in this case only on the basis of suspicion, whereas, the witnesses has stated about the hands of one Tej Narayan Rai, who has already been granted the privilege of anticipatory bail by a coordinate Bench of this Court. So far appellants in Criminal Appeal (SJ) No. 3920/2019 as well as the appellants in Criminal Appeal (SJ) No. 4489/2019 are concerned, it has been submitted by learned counsel appearing on their behalf that save and except suspicion, there is absolutely nothing against them, they are not the police personnel and the deceased died in the campus of police station and they have falsely been implicated in this case. All the appellants are in custody for more than three months.

Heard learned Special P.P. as well as learned counsel



for the appellants. They have opposed the prayer for bail of the appellants and submitted that it is a case of gruesome murder of deceased inside the police station and the same has been done by the police personnel with the help of other accused of this case.

Having heard both sides, considering the facts and circumstances of the case, so far appellant Balendra Roy in Criminal Appeal No. 4510/2019 is concerned, I am not inclined to enlarge him on bail.

Accordingly Criminal Appeal No. 4510/2019 stands dismissed.

So far appeals of the appellants of Criminal Appeal (SJ) No. 3920/2019 as well as the appellants in Criminal Appeal (SJ) No. 4489/2019 are concerned, the same is allowed and impugned order is set aside and the appellants of Criminal Appeal (SJ) No. 3920/2019 as well as the appellants in Criminal Appeal (SJ) No. 4489/2019 are directed to be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (Prevention of Atrocities) Act, Nalanda at Biharsharif, in connection with SC/ST P.S. Case No. 30/2019,



subject to the condition that petitioners will cooperate in disposal of trial and make themselves available as and when required by the Trial Court, failing which, the prosecution shall move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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