

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1637 of 2020

Arising Out of PS. Case No.-417 Year-2019 Thana- BIHIA District- Bhojpur

1. DHURENDRA PAL Son of Ashok Pal @ Ashok Bhagat Resident of Village - Majhauri, P.S. - Bihiya, District - Bhojpur.
2. Rajan Pal son of Shyam Bihari Pal Resident of Village - Majhauri, P.S. - Bihiya, District - Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ramchandra Singh, Advocate
For the Respondent/s : Mr.Binay Krishna,Spl.PP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-11-2020 Heard learned counsel for the appellants and learned Spl. PP for the State through video conferencing.

The instant appeal has been preferred by the appellants against the order dated 17.3.2020 passed by the learned Additional Sessions Judge I, Bhojpur whereby the prayer for bail of the appellants in connection with Bihiya P.S. Case no. 417 of 2019 registered under sections 307, 341,323, 448, 379, 504 and 34 of the Indian Penal Code and sections 3(1)(s), 3(1)(r) and 3(2)(v)(a) of the SC/ST(POA) Act to which section 302 of the Indian Penal Code was added subsequently was rejected.

As per allegation in the FIR, it is stated that there was altercation between the accused persons including the appellants herein and the informant over disappearance of a hen belonging to the informant. It is further stated that the accused persons numbering 7



assaulted the husband of the informant and on the informant and her 'Bhaisur' (brother-in-law) going to his rescue, they were also assaulted. Subsequently the husband of the informant died in course of treatment and section 302 of the IPC was added.

It is submitted by learned counsel for the appellants that the allegations as levelled in the FIR are false and concocted. They have been falsely implicated in the case which from the FIR itself, would transpire that it was over a trivial dispute. It is further submitted that while the alleged occurrence is said to have taken place on 18.11.2019, the FIR was lodged after a delay of almost 18 days on 6.12.2019 with no explanation for the same. The appellants who have no criminal antecedent are in custody since 17.1.2020 and investigation in the case has already concluded.

The appeal is opposed by learned Spl. PP appearing for the State

Having heard learned counsel for the parties and taking into consideration the allegation as levelled in the FIR, the delay of nearly 18 days in lodging of the FIR and the appellants being in custody since 17.1.2020, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 17.3.2020 passed in Bihiya P.S. Case no 417 of 2019 by the learned Additional Sessions Judge I, Bhojpur is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Bihiya P.S. Case no. 417 of 2019 on each of them furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Additional Sessions Judge 1st
Bhojpur.

(Partha Sarthy, J)

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