

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1798 of 2021**

Arising Out of PS. Case No.-185 Year-2019 Thana- SASARAM RAIL P.S. District- Gaya

PINTU PANDEY S/O LATE ABHINANDAN PANDEY R/O MOHANIA,
WARD NO. 9, P.S. MOHANIYA, DISTRICT KAIMUR BHABUA

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Krishna Prasad Singh, Sr. Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 02-09-2021 Heard Mr. Krishna Prasad Singh, learned senior

counsel for the appellant and Mr. Sadanand Paswan, learned

Special Public Prosecutor for the State.

The appellant has challenged the order dated 18.01.2021, passed by the learned Exclusive Special Judge, SC/ST, Gaya, in A.B.P. No. 06 of 2021, arising out of Sasaram Rail P. S. Case No. 185 of 2019, whereby the prayer made on behalf of the appellant for grant of anticipatory bail for the offences punishable under Sections 302 and 34 of the Indian Penal Code and Section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.



The accusation in the First Information Report is that the son of the informant was assaulted by the appellant and others, as a result of which he died.

Shri Singh, learned senior Advocate for the appellant has submitted that the deceased is said to have made a statement to the informant that the appellant and others had assaulted him, however, it has been argued that considering the injuries on his person, he would not have had been in a position to make such a detailed statement to his father, who is informant in this case. Apart from this, it has been submitted that such statement may not be admissible under the Evidence Act either under Section 32 of the Evidence Act or under Section 6 of the Evidence Act.

However, looking at the nature of accusation in the F.I.R. and that the deceased shortly before his death had named the appellant, I am not inclined to interfere with the order refusing to grant anticipatory bail to him.

The appeal stands rejected.

Should the appellant surrender before the court below and seek bail, his application shall be considered on its



own merits, without being prejudiced by the fact that the
present appeal on his behalf has not been entertained.

(Ashutosh Kumar, J)

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