

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2031 of 2021**

Arising Out of PS. Case No.-12 Year-2012 Thana- SC/ST District- Gaya

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1. NANDLAL SINGH SON OF BAIJNATH SINGH R/O VILLAGE-BASUA, P.S- WAZIRGANJ, DIST- GAYA
 2. MANTU SINGH@JANTUL SINGH@JANTUL KUMAR SON OF HARI SINGH R/O VILLAGE- BASUA, P.S- WAZIRGANJ, DIST- GAYA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

3 02-09-2021 Heard Mr. Ajay Kumar Sinha, learned counsel for the appellants and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 09.02.2021, passed by the learned Exclusive Special Judge, SC/ST, Gaya, in A.B.P. No. 558 of 2021 / 22 of 2021, arising out of SC/ST P. S. Case No. 12 of 2012, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 302, 436, 323 and 34 of the Indian Penal Code and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act, 1989, has been rejected.

Vide order dated 15.07.2021, case diary was called for and appellant no. 2 was granted provisional bail as there was nothing alleged against him.

Mr. Sinha, learned counsel for the appellants has submitted that though there is an allegation against appellant no. 1 of having offered poisonous tea to the deceased, as a result of which he died and also of setting the house of the informant on fire but such accusations have come after one and half months of the occurrence without there being any reason for such a delayed reporting of the matter. Learned counsel for the appellants has further submitted that considering this aspect of the matter, all the other accused persons except the appellants herein, have been granted anticipatory bail by different Benches of this Court. He further submits that there is a counter version of the occurrence and the informant has made only guess work that the deceased died because of the poisonous tea having been offered to him by the appellant no. 1.

So far as the appellant no. 2 is concerned, it has



been submitted that there is no accusation against him except for his having been named in the F.I.R.

The deceased was never put to any post-mortem examination.

However, considering the nature of accusation against appellant no. 1, I am not inclined to interfere with the order which has been challenged in the present appeal.

The appeal with respect to appellant no. 1/ Nandlal Singh is rejected.

Should he surrender before the court below and seek bail, the court below shall consider all the above mentioned aspects of the matter including that there has been an unusual delay in lodging of the F.I.R. and there is no remark available in the investigation papers for such a delay and that other accused persons of this case have been granted anticipatory bail and shall pass order in accordance with law without being prejudiced by the fact that the present appeal on his behalf has not been entertained.

So far as appellant no. 2 is concerned, he is not alleged to have done anything, the order dated 09.02.2021,



passed by the learned Exclusive Special Judge, SC/ST, Gaya,
in A.B.P. No. 558 of 2021 / 22 of 2021 with respect to him,
is set aside.

The appeal with respect to appellant no. 2/ Mantu
Singh @ Jantul Singh @ Jantul Kumar stands allowed.

The provisional bail of appellant no. 2 is hereby
confirmed. He shall remain on the same bail bonds.

The appeal is partially allowed and disposed of
accordingly .

(Ashutosh Kumar, J)

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