

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2549 of 2021

Arising Out of PS. Case No.-334 Year-2020 Thana- BELDOUR District- Khagaria

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Pintu Kumar Bhagat @ Pintu Kumar aged about 40 years Son Of Late Gopal Prasad Bhagat R/O Village And Post Office - Beldaur, P.S.- Beldaur, Dist.- Khagaria

... .. Appellant/S

Versus

1. The State Of Bihar
2. Bebi Devi aged about 35 years Wife Of Late Naresh Ram R/O Village And P.O.- Beldaur, P.S.- Beldaur, Dist.- Khagaria

... .. Respondents

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Appearance :

For the Appellant : Mr.Anant Kumar 1, Advocate
For the Respondents : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-06-2021 This matter is taken up for consideration through

Video Conferencing.

Heard learned counsel for the appellant and the State.

The present appeal is directed against the order dated
7.4.2021, passed by the Additional Sessions Judge I cum Special
Judge, SC/ST Act, Khagaria in a case registered for the offence
punishable under Sections 302/34/120B of the Indian Penal
Code, section 27 of the Arms Act and Section 3 (2) (V) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989, whereby bail of the appellant has been
rejected.

As per the prosecution case, informant's husband had



gone for morning walk meanwhile at about one kilometer away from the house some unknown persons shot him dead in front of orchard of Vedanand Singh.

Learned counsel for the appellant submits that FIR is against unknown and appellant's name has come in the case on the basis of confessional statement of co-accused Pankaj Singh. Informant is not the eye witness. Deceased had some land dispute with some other persons and not with the appellant. Test Identification Parade has not been carried out till date. No incriminating material has been collected against the appellant during course of the investigation save and except confessional statement of co-accused. Even no motive has been assigned against the appellant. Appellant has got no criminal antecedent as stated in paragraph 3 of the bail petition. Appellant is in custody since 25.1.2020.

Learned counsel for the state opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the fact that no incriminating material has been collected against the appellant during course of the investigation save and except confessional statement of co-accused and the appellant has got no criminal



antecedent, this appeal is allowed and the impugned order dated 7.4.2021 is set aside.

Accordingly, the appellant, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge I cum Special Judge, SC/ST Act, Khagaria in Beldaur Police Station Case No. 334 of 2020, on the following conditions:-

(1) Appellant 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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