

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1351 of 2021

Arising Out of PS. Case No.-136 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

1. Vinod Sahni @ Vinod Kumar, aged about 21 years, Sex-Male, Son of Dewari Sahni, Resident of Village - Ismalpur, P.S. - Hajipur Sadar, District - Vaishali at Hajipur.
2. Lagandeo Sahni @ Lagandeo Kumar, aged about 21 years, Sex-Male, Son of Lakhan Sehni @ Jakhan Sahni, Resident of Village - Ismalpur, P.S. - Hajipur Sadar, District - Vaishali at Hajipur.

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellants	:	Mr. Anish Chandra, Advocate.
For the Respondent	:	Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2021 Heard learned counsel for the appellants and learned Special P.P. for the State through Virtual mode.

Learned counsel for the appellants submits that the limitation, as pointed out by the office, be condoned in the light of the order dated 08.03.2021, passed by the Hon'ble Apex Court, in Suo Motu Writ Petition (Civil) No. 03 of 2020.

Considering the submissions made on behalf of learned counsel for the appellants, the limitation, as pointed out by the office, is condoned.

Learned counsel for the appellants are directed to remove the defects, (except defect no. 7), as pointed out by the office, within a period of four weeks from the date of restoration



of normalcy.

Further, learned counsel for the appellants is permitted to make necessary correction in the father's name of appellant no. 2, in the party position.

Learned counsel for the appellants seeks permission to withdraw the present criminal appeal filed for grant of anticipatory bail to appellant no. 1, namely, Vinod Sahni @ Vinod Kumar, as he has been taken into judicial custody in connection with Hajipur Sadar P.S. Case No. 136/2020, pending in the court of learned Additional Sessions Judge-1-cum-Special Judge (SC/ST ACT), Vaishali at Hajipur.

Permission is accorded.

Accordingly, the present appeal with regard to appellant no. 1, namely, Vinod Sahni @ Vinod Kumar, is dismissed as withdrawn.

Now, the matter relates to grant of anticipatory bail to the appellant no. 2 in connection with Hajipur Sadar P.S. Case No. 136/2020, registered for the offences under Section 302/34 of the I.P.C. and Sections 3(2)(v)(a) of the SC/ST Act.

The prosecution case, in short, is that on 21.02.2020 at about 1.00 P.M., the informant's brother, namely, Satrudhan Paswan went to see fair alongwith his friends, namely, Indal



Kumar, Chunchun Kumar, Ghuntun Paswan and Garibnath but he did not return till the next morning. On query, his friends said that Satrudhan Paswan has returned to his home on the same day i.e., 21.02.2020 as he had some important work. So, his friends sat down on the Boat of co-accused Vinod Sahani. Co-accused Chandan Kumar and Lagandeo Sahni (appellant) were also present from before on the same Boat. The informant asked from co-accused Vinod Sahani with regard to that but he refused the aforesaid fact. Thereafter, the informant came to know that some dispute took place in between the brother of the informant and Vinod Sahani in respect of fare of the Boat. For that, Vinod Sahani, Chandan Kumar and Lagandeo Sahani (appellant) killed the informant's brother and burried the Boat in the river. The informant searched his brother but in vain. He also went to the houses of the aforesaid accused persons. Subsequently, the informant came to know through the villagers that the dead body of his brother was floating in the river. He went to there and found the dead body of his brother with injuries on his body.

It has been submitted on behalf of the appellant no. 2 that he has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against him. At best, it is a



case of last seen. Except for this, there is no substantive evidence to suggest his implication in the present case. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant no. 2 is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 17.06.2020, passed in Hajipur Sadar P.S. Case No. 136/2020, by learned Additional Sessions Judge-I-cum-Special Judge, (SC/ST ACT), Vaishali at Hajipur is set aside only in respect of appellant no. 2, namely, Lagandeo Sahni @ Lagandeo Kumar. The criminal appeal is allowed in respect of appellant no. 2, namely, Lagandeo Sahni @ Lagandeo Kumar.

Let the appellant no. 2 above named, (except appellant no. 1 Vinod Sahni @ Vinod Kumar) in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, (SC/ST ACT), Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No. 136/2020.

Once the normalcy is restored, the appellant no. 2



shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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