

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3712 of 2021**

Arising Out of PS. Case No.-170 Year-2020 Thana- TARARI District- Bhojpur

Kundan Pandey S/O Sunil Pandey R/O Village-Bhakura, P.S-Tarari, District-Bhojpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Awadhesh Kumar Pandey
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 09-12-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 05.07.2021 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge, Bhojpur, Ara in connection with SC/ST Case No. 312 of 2020 arising out of Tarari P.S. Case No. 170 of 2020 registered under Sections 302/201 of the Indian Penal Code and Section 3 (I) (r) (s)/3 (2) (VA) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The FIR was lodged against unknown on recovery of dead body by the local Chowkidar. During investigation some other co-accused allegedly confessed before the police while in



police custody and in the confessional statement, name of the appellant also surfaced.

It is submitted by learned counsel for the appellant that appellant is innocent, not named in the FIR and has been falsely implicated in this case. He submits that similarly situated co-accused has been granted privilege of bail by a coordinate Bench of this Court in Cr. Appeal No. 2836 of 2021 on 31.08.2021. He submits that appellant has been made accused in this case on the confessional statement of the co-accused. He submits that charge-sheet has already been submitted and there is allegation of tampering with the prosecution witnesses by the appellant. He further submits that appellant bears no criminal antecedent as stated in para-3 of this petition and he is languishing in judicial custody since 06.06.2021.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the nature of material available after completion of investigation, there is no need for further detention of the appellant as under trial prisoner, hence, let the appellant, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the



learned 1st Additional District and Sessions Judge-cum-Special Judge, Bhojpur, Ara in connection with SC/ST Case No. 312 of 2020 arising out of Tarari P.S. Case No. 170 of 2020.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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