

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.4065 of 2021**

Arising Out of PS. Case No.-115 Year-2021 Thana- BALIYA District- Begusarai

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DHARMENDRA PANDIT Son of Late Narayan Pandit Resident of Village -
Muse Chak, P.S.- Ballia, Distt.- Begusarai.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr.Surya Narayan Sah,Advocate

For the Respondent/s : Mr.Binay Krishna,Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-10-2021 Learned counsel for the appellant undertakes to remove

all the defects pointed out by the Stamp Reporter within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and Mr. Binay
Krishna, learned Spl.P.P. for the State.

The appellant in the present case is seeking setting aside

of the order dated 23.08.2021 passed by learned Special Judge,
SC/ST (POA), Begusarai in connection with Ballia P.S. Case No.
115 of 2021, G.R. No. 57 of 2021 registered for the offences
punishable under Sections 341, 323, 307, 34 and 120B of the
Indian Penal Code and Section 27 of the Arms Act and Section
3(r) and 3(s) of SC/ST (POA) Act, 2015 whereby and whereunder
the prayer for regular bail of the appellant was rejected.

As per the prosecution story, on 13.04.2021 at about
11:10 P.M., the informant received a call from one Lagma



Khatoon who told him to come at Janipur Chowk and on her call he reached there. When the informant reached there the appellant along with other co-accused persons caught hold of him and dragged him to a mangrove and tied his hands and feet. It is alleged that at the instance of this appellant co-accused Md. Ashique opened fire and assaulted the informant on his head with the butt of his pistol and also called by his caste names.

Learned counsel for the appellant submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no specific allegation against the appellant. The appellant is in custody since 07.08.2021 having no criminal antecedent.

Learned Spl.P.P. for the State has opposed the prayer for setting aside of the impugned order and release of the appellant on bail.

Having regard to the allegations made against the appellant in which it is alleged that he had called the informant to the alleged place of occurrence, however, when the appellant reached there he found that there were four named accused persons including this appellant and 3 unknown persons were present, the allegation is that at the instance of this appellant Md. Ashique has assaulted the informant by butt of his pistol on his head and thereafter Md. Aftab and Md. Ashique had assaulted him



by butt, there is no allegation that this appellant had caused any assault and the injury report shows two injuries found on the body of the informant which are simple in nature, in these kind of materials where the appellant has remained in jail since 07.08.2021 and investigation against him is complete, this Court sets aside the impugned order and directs release of the appellant above named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA), Begusarai in connection with Ballia P.S. Case No. 115 of 2021, G.R. No. 57 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

