

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.739 of 2021**

Arising Out of PS. Case No.-351 Year-2020 Thana- TURKAULIYA District- East
Champaran

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CHANDRA KISHORE RAI @ CHAND KISHORE RAI S/o Late Binda Rai
R/o village- Chailaha Babu Tola, P.S.- Banjariya, Distt.- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Jitendra Ram S/o Late Raghunath Ram R/o village- Chailaha Kuriya, P.S.-
Banjariya, Distt.- East Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sangeet Deokuliar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl PP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

4 22-06-2021 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through video

conferencing.

The appellant has preferred this appeal against the
order dated 21.9.2020 passed by the learned 1st Additional
Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran
in SC/ST Special Case no. 327/2020 whereby the prayer for bail
of the petitioner in connection with Turkauliya (Banjariya) P.S.
Case no. 351 of 2020 registered under sections 302, 328, 120B
and 34 of the Indian Penal Code and section 3(2)(v) of the SC
and ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the FIR, it is stated by the



informant that his father and his father's friend Nand Kishore Thakur were called and taken away by his co-villagers Nawal Rai. There the three named accused persons including the petitioner herein as also Nand Kishore Rai and Ranjeet Rai were present. Both the informant's father and his father's friend were administered poison in the food as a result of which they died.

It is submitted by learned counsel for the appellant that the appellant has been falsely implicated in the case. Admittedly there is no eye-witness to the occurrence and the material that has transpired in course of investigation including the post-mortem report, does not support the allegations against the appellant and the FSL report is still awaited. It is submitted that co-accused Nand Kishore Rai and Ranjeet Rai have been enlarged on bail vide order dated 3.5.2022 passed in Cr. Appeal (SJ) no. 48 of 2021.

Learned Special Public Prosecutor appearing for the State opposes the prayer for bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including grant of bail to the aforesaid two co-accused and the appellant having remained in custody for over 1 year, the appeal is allowed and the order dated 21.9.2020 passed by the learned



1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran in SC/ST Special Case no. 327/2020 is set aside.

The appellant is directed to be enlarged on bail in connection with Turkauliya (Banjariya) P.S. Case no. 351 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran, Motihari.

(Partha Sarthy, J)

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