

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1612 of 2022

Arising Out of PS. Case No.-175 Year-2021 Thana- PAKRIDAYAL District- East Champaran

Krishna Pandit, Son of Chandrika Pandit, Resident of Village- Dulma, Police
Station- Madhuban, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shail Kumari Devi, Wife of Yogendra Baitha, Resident of Village- Dulma
Tiwari Tola Ward No. 04, Police Station- Madhuban, District- East
Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Madhurendra Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, APP
For Respondent No.2	:	Mr. Pramod Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-09-2022 Learned counsel for the appellant is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Madhurendra Kumar, learned counsel
appearing on behalf of the appellant, Mr. Pramod Kumar
Pandey, learned counsel for respondent no.2 and learned Spl. PP
for the State.

The present appeal under Section 14(A) (2) of the
Scheduled Caste/Scheduled Tribe, Prevention of Atrocities Act,
(hereinafter referred to as 'SC/ST Act') has been preferred
against the order dated 29.03.2022 passed by learned Special
Judge, SC/ST Act, East Champaran at Motihari in connection



with Pakridayal P.S. case no. 175 of 2021 registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(v) of the SC/ST Act whereby the prayer for grant of regular bail of the appellant has been rejected.

The prosecution case is based on a written report filed by the informant alleging therein that on 12.08.2021, at around 8.45 AM., co-accused Nageshwar Pandit called the son of the informant to collect fodder for the field and thereupon her son went along with co-accused Nageshwar Pandit. After one hour, the informant received an information from the children of the village that some scuffle took place with her son, she rushed to the place of occurrence, but soon thereafter she received information that her son has been killed. The informant informed to this fact to the Mukhiya of the Panchayat and later on she came to know that all the accused persons, including the appellant, killed the deceased in conspiracy with each other.

Learned counsel appearing on behalf of the appellant submits that from the F.I.R., it would be evident that the deceased was went along with co-accused Nageshwar Pandit and there is no allegation that the appellant had seen before the occurrence or near the place of occurrence. He further submits



that the alleged incidence took place on 12.08.2021, whereafter the inquest report has been prepared and the post-mortem was done, but at no point of time any fardbeyan of the informant was recorded, however, later on, after few days of the alleged occurrence, this F.I.R. has been instituted, which shows that the same has been instituted after proper deliberation and description. He also submits that the appellant, having fair antecedent, is in custody since 21.02.2022 and save and except the animosity with regard to some dispute regarding way, there is no material against the appellant.

On the other hand, learned counsel for the informant-respondent no.2 vehemently opposes the bail application and submits that the motive is evident from the fact that there was a dispute with regard to way pending between the parties and certain materials have come during the course of investigation showing the complicity of the appellant in the present crime.

Learned Spl. P.P. for the State also opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation, as also the delay in lodging the F.I.R., apart from the period of incarceration of the appellant and his fair antecedent, let the



appellant, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned learned Special Judge, SC/ST Act, East Champaran at Motihari in connection with Pakridayal P.S. case no. 175 of 2021, subject to the condition that one of the bailors will be the close relatives of the appellant with further conditions which are as follows:-

(i) The appellant will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

Accordingly the impugned order dated 29.03.2022 is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

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