

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2650 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- SURYAPURA District- Rohtas

1. BHAIYA RAM PANDEY S/o Late Jai Govind Pandey R/o village- Agrer Khurd, P.S.- Suryapura, District- Rohtas
2. Raj Bhushan Pandey S/o Bhaiya Ram Pandey R/o village- Agrer Khurd, P.S.- Suryapura, District- Rohtas
3. Vikash Pandey @ Munna Kumar Pandey S/o Brij Bhushan Pandey R/o village- Agrer Khurd, P.S.- Suryapura, District- Rohtas

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 29-09-2022 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the appellants as well as learned counsel for the informant.

This appeal has been preferred on behalf of the appellant under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 30.06.2022 in connection with Suryapura P.s.Case No. 32 of 2022, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 447, 307, 302 and 504 of the Indian Penal Code, Section



27 of the Arms Act and Sections 3(i) (r)(s), 3(ii)(v) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

Indu Devi is the informant of this case. She alleges that the accused persons including the appellants came to her house. They abused her in filthy words by calling her caste name and co-accused Brij Bhushan Pandey fired shot on her husband Rajdeo Paswan, who died at the spot. Co-accused Chandra Bhushan Pandey fired shot which hit Santosh Paswan. The reason behind the occurrence is that there was dispute between Brij Bhushan Pandey and Nimbu Paswan. The husband of the informant intervened into that dispute and pacified the matter. Thereafter, the accused persons committed this occurrence.

Learned counsel for the appellants has submitted that the appellants are innocent. They are not the assailants and there is no specific allegation against them. He has submitted further that appellant no.1 is old person of 70 years of age.

On the other hand, learned counsel for the informant has submitted that the appellants were amongst the unlawful assembly and in furtherance thereof, the murder of the deceased was committed. He has also submitted that the appellants are the



persons of strong criminal antecedent. He has also submitted that appellant no.1 is accused in three other cases and appellant nos. 2 is accused in six cases, whereas appellant no.3 have clean antecedent.

The appellants were amongst the unlawful assembly which committed the murder of the husband of the informant. Appellant nos. 1 and 2 are the persons of strong criminal antecedent.

In view of aforesaid, I do not think it a fit case for anticipatory bail. The prayer for anticipatory bail on behalf of the appellants is hereby rejected.

Office shall ensure that all the defects are removed by the appellant within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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