

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3608 of 2021

Arising Out of PS. Case No.-54 Year-2021 Thana- BHITAHA District- West Champaran

RANJANA DEVI W/o Prabhu Pandey Resident of Village - Chanderpur
Pandey Tola, P.S.- Bhitahan, Distt.- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vinod Gond S/o- Bishwanath Gond R/o- Balua Bazar, P.S.- Bhitaha, Dist.- West Champaran

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 4374 of 2021

Arising Out of PS. Case No.-54 Year-2021 Thana- BHITAHA District- West Champaran

1. KAPILDEV PANDEY S/o Late Basdev Pandey R/o village- Chanderpur Pandey Tola, P.S.- Bhitahan, District- West Champaran
2. Tara Devi W/o Kapildev Pandey R/o village- Chanderpur Pandey Tola, P.S.- Bhitahan, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3608 of 2021)

For the Appellant/s : Mr.Brij Kishor Mishra
Mr.Sachida Nand Rai

For the Respondent/s : Mr.Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 4374 of 2021)

For the Appellant/s : Mr.Sachida Nand Rai

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 31-03-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Vide order dated 30.11.2021, passed in Cr.Appeal (SJ)

No.3608 of 2021, notice was directed to be issued upon the



respondent no.2 and as per the office notes dated 04.03.2022, notice has been personally served upon the respondent no.2 but today when the case is called out, nobody appears on behalf of the respondent no.2. As such, these appeals are being heard without any prosecution from the informant/respondent no.2.

These appeals are filed under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 02.08.2021 in Cr. Appeal (SJ) No.3608 of 2021 and vide order dated 28.08.2021 in Cr. Appeal (SJ) No.4374 of 2021, both, passed by learned 1st Additional District & Sessions Judge -cum- Special Judge (SC/ST), Bettiah, West Champaran, in connection with Bhitahan P.S. Case No.54 of 2021, registered under sections 147, 148, 149, 120(B), 341, 323, 324, 307, 354, 504, 506 of the IPC and sections 3(i) (r) (s) (w), 3(2) (v-a) of the SC and ST (Prevention of Atrocities) Act. Later on, section 302 of the IPC was added after death of Shanti Devi.

The prosecution case in brief, is that the appellants along with other accused persons firstly abused the informant's side while they were harvesting crops from the agriculture field and on objection, they were assaulted by means of various lethal



weapons. In the said occurrence, one Shanti Devi has also sustained injuries and later on died.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case on account of an admitted land dispute between the parties. The allegation levelled against the appellants is not specific rather general and omnibus in nature. The statement of the daughter of Premi Devi is recorded at para-32 of the case diary, where she has not made any specific allegation against the appellants of assaulting the deceased. In para-112 of the case diary, the statement of the injured Premi Devi was recorded in which, she has also stated the same version as of her daughter. It is submitted that the specific allegation is against the co-accused Bhupendra Pandey and Prabhu Pandey to have assaulted the deceased by means of lethal weapons. The appellant Ranjana Devi, Kapildev Pandey and Tara Devi have been languishing in custody since 12.04.2021, 29.05.2021 & 12.04.2021 respectively.

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

In the facts and circumstance of the case, since there is general and omnibus allegation against the appellants, the above named appellants are directed to be released on bail on



furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge -cum- Special Judge (SC/ST), Bettiah, West Champaran, in connection with Bhitahan P.S. Case No.54 of 2021.

The impugned orders in both the appeals are set aside and accordingly, the appeals are allowed.

(Anjani Kumar Sharan, J)

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