

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4723 of 2021

Arising Out of PS. Case No.-123 Year-2021 Thana- PUNPUN District- Patna

MANGAL PANDIT Son of Narayan Pandit Resident of Village- Rasulpur,
P.S.- Punpun, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rocky Kumar Son of Late Shiv Pujan Paswan Resident of Ghrudaur, P.S.-
Punpun, Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pranaya Shanker Sinha
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 21-07-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The appellant has filed the instant appeal against the order dated 17.11.2021 passed in Special Case No. 147 of 2021 arising out of Punpun P.S. Case No. 123 of 2021 by the learned Additional Sessions Judge-III-cum-Special Judge, SC/ST, Patna whereby and whereunder the prayer for bail of the appellant in connection with Special Case No. 147 of 2021 arising out of Punpun P.S. Case No. 123 of 2021 registered under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 3(2) (V) of the SC & ST (POA) Act was rejected.

Briefly stated fact of the prosecution case is that the



appellant and other armed with weapon, lathi and danda concertedly assaulted the informant's father Shiv Pujan Paswan on chest, back, head and all parts of the body and committed the murder by causing grievous injury.

It is submitted by learned counsel for the appellant that appellant is in custody since 06.10.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no specific accusation against the appellant. There is no eye witness of the alleged occurrence. He further submits that co-accused Jitendra Mahto @ Jitendra Kumar has already been granted bail by the co-ordinate Bench of this Court vide Cr. Appeal (SJ) No. 3627 of 2021. Learned counsel further submits that the allegations are that of fight between the villagers of two different villages and the informant does not claim himself to be eye witness of the alleged occurrence and the FIR has been lodged on the next day and there is no specific allegation much less any overt act has been alleged against this appellant.

The appeal is opposed by learned Spl. P.P. for the State.

Considering the facts and circumstances of the case,



period of custody, keeping in view clean antecedent of appellant, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, there is no specific allegation against this appellant, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 17.11.2021 passed in Special Case No. 147 of 2021 arising out of Punpun P.S. Case No. 123 of 2021 by the learned Additional Sessions Judge-III-cum-Special Judge, SC/ST, Patna is set aside.

The appellant is directed to be enlarged on bail in connection with Special Case No. 147 of 2021 arising out of Punpun P.S. Case No. 123 of 2021 on furnishing bail bond of Rs. 25,000/ (Rupees Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III-cum-Special Judge, SC/ST, Patna, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Appellant will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for



cancellation of bail by the learned Trial court itself.

(iii) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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