

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.445 of 2022**

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

1. Narayan Pandit @ Ramnarayan Kumar S/o Ramnaresh Pandit R/o village- Dulma, Ward No. 3, P.S.- Madhuban, Distt.- East Champaran
2. Bablu Pandit @ Shubham Kumar S/o Ramnarayan Kumar @ Ramnarayan Pandit R/o village- Dulma, Ward No. 3, P.S.- Madhuban, Distt.- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

|                      |   |                    |
|----------------------|---|--------------------|
| For the Appellant/s  | : | Mr.Anil Kumar      |
| For the Respondent/s | : | Mr.Sadanand Paswan |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      28-06-2023                      Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 06.10.2021 passed by learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge (SC/ST Act), East Champaran at Motihari in connection with Pakari Dayal P.S. Case No. 175 of 2021 under Sections 302, 120(B), 34 of the Indian Penal Code and section 3(i)(r)(s)/3(2)(D) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.

As per the prosecution case, co-accused Nageshwar



Pandit called the son of informant and after one hour, the informant was informed that her son has been killed. Informant suspects that her son has been killed by the accused persons including appellants.

It is submitted on behalf of the appellants that due to dispute over pathway the appellants have been falsely implicated in this case. Informant is not eye-witness of the occurrence and only suspicion has been raised against the appellants. Informant has not disclosed the source as to who informed about the murder of her son. There is general and omnibus allegation. No case under SC/ST Act is made out, as the occurrence has not taken place within public view. Appellants have got clean antecedent.

However, learned Special Public Prosecutor opposed and submitted that appellants are named in the FIR and there is specific allegation that all the accused persons including appellants committed murder of the son of informant.

Considering the aforesaid facts, this appeal stands dismissed.

**(Prabhat Kumar Singh, J)**

vinita/-

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