

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1718 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- SC/ST District- Buxar

Vikash Pandey @ Jadu Pandey S/O Madan Pandey Resident of village-
Gurudas Mathia, P.S.- Buxar (M), District- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Shashi Kant Kumar S/O Late Madan Ram Resident of village- Gurudas Mathia, P.S.- Buxar Muffasil District- Buxar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Brij Mohan Das, Advocate
For the State : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2023 Heard learned counsel for the appellant, learned counsel appearing on behalf of the Respondent No. 2 as well as learned Spl.P.P. for the State.

This is an appeal under Sections 14(A)(2) against refusal of the prayer for regular bail by order dated 02.03.2023 passed by the learned Additional Sessions Judge 1st cum Special Judge SC/ST (POA) Act and Children Court, Buxar in connection with Buxar P.S. Case No. 01 of 2023, F.I.R. dated 02.01.2023 registered under Sections 147, 148, 149, 341, 324, 379, 354, 307 and 504 of the Indian Penal Code and Section 3(i)(r)(s), 3(2va) of the Scheduled Castes and Scheduled Tribes Act but later on Section 302 of the Indian Penal Code and Section



3(2)(v) of SC/ST Act were also added.

According to the prosecution case, this appellant along with other accused persons have abused by taking the caste name and assaulted the son of the informant due to which he sustained grievous injuries. It is further alleged that the accused persons have also assaulted the informant and other family members and fled away.

Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that there is case and counter case between the parties. He further submits that there is specific allegation against the appellant that he has assaulted upon the hand of one Shashikant Kumar who is son of the informant and the allegation against the other accused persons is that, they have assaulted the informant and his family members. He further submits that the injury report of Shashikant Kumar reveals that the injury was found on his hand and the injury is grievous in nature but not on the vital part of the body. He further submits that the co-accused persons, namely, Dinesh Pandey and Roushan Pandey have been granted bail by the Co-ordinate Bench of this Court vide order dated 06.07.2023 passed in Cr. App. (SJ) No. 1559 of 2023. He further submits that the



police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 31.01.2023.

Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant and submits that the appellant has assaulted the son of the informant and the injury report of the son of the informant is found to be grievous in nature.

Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st cum Special Judge SC/ST (POA) Act and Children Court, Buxar in connection with Buxar P.S. Case No. 01 of 2023, with other following conditions:-

1. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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