

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2829 of 2023

Arising Out of PS. Case No.-461 Year-2022 Thana- BELHAR District- Banka

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1. Shaligram Pandit Son Of Late Ayodhya Pandit Resident Of Village- Bara, Police Station- Belhar, District- Banka
 2. Anil Pandit S/O Shaligram Pandit Resident Of Village- Bara, Police Statopm Belhar, District Banka

... .. Appellant/s

Versus

1. The State Of Bihar
2. Gulabi Pujhar @ Gulabi Khaira S/O Rambal Pujhar @ Rambal Khaira Resident Of Village- Bara, Police Station Belhar, District Banka

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Mukherjee
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 30-11-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 16.05.2023 passed by learned Additional Sessions Judge-I, Banka whereby the prayer for bail of the appellants in connection with Belhar P.S. Case no. 461 of 2022 under Sections 302, 201, 120B and 34 of the Indian Penal Code and sections 3(2) (VA) of SC/ST Act was rejected.

As per FIR, a beheaded dead body has been recovered near Badua river and later on it was found that the said dead body is of the uncle of the informant.



It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case merely on suspicion. They have not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. Nothing consistent material has come against the appellants only on the basis of suspicion, they have been dragged in this case. During investigation, the objectionable articles which were used in the crime have been recovered from one Tuntun Pasi not from the possession of these appellants. Moreover, the appellants are languishing in judicial custody since 19.04.2023 and 26.04.2023 respectively.

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

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 16.05.2023 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Belhar P.S. Case No. 461 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each of them



with two sureties of the like amount each to the satisfaction of
the learned Additional Sessions Judge-I, Banka.

(Sunil Kumar Panwar, J)

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