

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3503 of 2023

In
CRIMINAL MISCELLANEOUS No.34987 of 2023

Arising Out of PS. Case No.-176 Year-2000 Thana- BIHTA District- Patna

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1. Shayamakant Pandey @ Shyam Kanth Pandey son of Late Jhalar Pandey Village- Mahuaar Ps- Bihta Dist- Patna
 2. Kariman @ Kariman Pandey son of Shayamakant Pandey Village- Mahuaar Ps- Bihta Dist- patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Amola Choudhary, S/o Dhoga Choudhary R/o - Mahuar P.S- Bihta Dist- patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Baidya Nath Prasad
For the Respondent/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 12-10-2023 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellants against the order dated 05.04.2023 passed by learned Special Judge, SC/ST Act, Patna whereby the prayer for bail of the appellants in connection with Bihta P.S. Case no.176 of 2000 or Spl. Case no. 7 of 2002 under Sections 341, 323, 504, 379/34 of the Indian Penal Code and later on cognizance had been taken U/s 341, 323, 504 of the I.P.C. and



sections 3(1)(x) of SC/ST Act was rejected.

3. Allegation against the appellants along with other accused persons is that they have assaulted the complainant with lathi, fists and piece of brick due to which he sustained injury.

4. It is submitted by learned counsel for the appellants that appellants were on bail in this case but due mistake and negligence of pairvikar, proper pairvi of appellants was not made so bail bonds of the appellants have been cancelled on 27.05.2015 and N.B.W. was issued against them and they were arrested on 11.02.2023 and since then they are languishing in judicial custody. The appellants have got not criminal antecedent. It is also mentioned in para 7 of the petition that good sense has been prevailed between both the parties and this fact has also been corroborated by the learned counsel for the informant.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

6. 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 05.04.2023 is hereby set aside.

7.The appellants is directed to be enlarged on bail in connection with Bihta P.S. Case No. 176 of 2000 or Spl. Case No. 07 of 2002 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Patna on following conditions:-

(1) The appellants shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the Court below.

(ii) If the appellants temper with the evidence or threaten the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii) In case, the appellants repeat offence of similar nature after enlargement on bail, their bail-bonds will be cancelled by the Court below.

(Sunil Kumar Panwar, J)

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