

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3218 of 2022

Arising Out of PS. Case No.-253 Year-2022 Thana- MADHEPURA District- Madhepura

Pramod Kumar S/O Ram Chandra Prasad Yadav@ Ramchandra Yadav R/O
Village- Shripur Dih Tola, Ward No. 11, Police Station - Madhepura, District-
Madhepura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3383 of 2022

Arising Out of PS. Case No.-253 Year-2022 Thana- MADHEPURA District- Madhepura

SINTU KUMAR S/o Bijay Yadav @ Vijendra Yadav Resident of Village-
Mathahi, P.S. and District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. SANJEEV PASWAN S/o Tejo Paswan Resident of village- Shreepur Dih
Tola, Ward No.- 11, P.S. and District- Madhepura

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3218 of 2022)

For the Appellant/s : Mr. Rajeev Ranjan

For the Respondent no.1 : Mr. Sadanand Paswan

For the Respondent no.2 : Mr. Alok Kumar Singh

(In CRIMINAL APPEAL (SJ) No. 3383 of 2022)

For the Appellant/s : Mr. Praveen Kumar Agrawal

For the Respondent/s : Mr. Usha Kumari 1



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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 19-01-2023 Heard Ld. counsel for the appellants, Ld. APP for
the State and Ld. Counsel for the Respondent
No.2/Informant.

This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 25.08.2022
and 07.09.2022, passed by the Ld. Cour of 1st Additional
District and Sessions Judge-cum-Special Judge (SC and ST),
Madhepura, in connection with Madhepura P.S. Case No.
253 of 2022, registered for the offences punishable under
Sections 341, 323, 354 (B), 302 and 34 of the Indian Penal
Code and Section 3 (2) (v) of the Scheduled Caste and
Scheduled Tribes (Prevention and Atrocities) Act and
Sections 3 and 4 of the Prevention of Witch (Daain) Practise
Act, 1999, whereby bail has been denied to the appellant.

The prosecution case as emerges from the FIR is
that on 11.03.2022 when the mother of the informant, who
was headmistress, was going to school for teaching, she was
crashed by accused-appellants with a Scorpio Car bearing



Registration no. BN8633, leading to her death. Thereafter, the appellants along with other co-accused fled away.

Ld. counsel for the appellant Pramod Kumar submits that the appellants are innocent and have falsely been implicated in this case. He further submits that the alleged motive behind the commission of offence is that mother of the accused appellant, Pramod Kumar was killed by witchcraft of the victim, who is allegedly considered to be *Daayan* by accused Pramod Kumar, Amod Yadav and Ram Chandra Yadav and that is why they killed her. However, these accused persons were not in the Scropio Car as per the informant himself. It is also submitted that the accused persons who were allegedly travelling in the offending Scropio Car were no way related or connected with accused Pramod Kumar, whose mother had allegedly died on account of witchcraft of the victim. He further submits that in fact this is a case of motor accident, but just to harass the appellant on account of enmity, the accused appellants have falsely been implicated. He also submits that investigation in this case is complete and charge-sheet has



already been submitted. He also refers to the inquest report as per which death has been caused by motor accident and the clothes were on the body of the victim.

As regards the appellant, Sintu Kumar, Ld. Counsel submits that he is innocent and has falsely been implicated in this case. He further submits that he was not in the vehicle as alleged by the informant and his name has been implicated in this case only on account of previous enmity because he is a co-villager. He also submits that there is no eye-witness to the alleged occurrence and the death has been caused on account of motor accident, as per the inquest report, and his name has been taken only on account of suspicion.

He further submits that the appellants have been languishing in jail since 22.06.2022 and 28.06.2022, respectively.

It has also been stated in paragraph no. 3 of the appeal that the appellant, namely, Pramod Kumar has earlier been made accused in two other cases and appellant, namely, Sintu Kumar has no criminal antecedents.



It is also stated in paragraph no. 2 of the appeal that the appellants have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State and Ld. Counsel for the Respondent No.2/Informant vehemently opposes the prayer of the appellants for bail.

Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated 25.08.2022 and 07.09.2022, passed by Ld. Cour of 1st Additional District and Sessions Judge-cum-Special Judge (SC and ST), Madhepura, and directing the appellants to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Cour of 1st Additional District and Sessions Judge-cum-Special Judge (SC and ST), Madhepura, in connection with Madhepura P.S. Case No. 253 of 2022, **after framing of charge, if not already framed** on the following conditions:

(i) The appellants will make themselves available for interrogation by a police officer/court as and when



required.

(ii) The appellants will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The appellants shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellants have criminal antecedents other than the disclosed one, Ld. trial court shall cancel the bail bonds of the appellants after hearing them and getting satisfied that the appellants have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, Ld. trial court shall cancel the bail bonds of the appellants.

Ld. counsel for the appellants is directed to remove



all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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