

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3360 of 2022**

Arising Out of PS. Case No.-307 Year-2020 Thana- UDAKISHUNGANJ District-
Madhepura

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Pawan Kumar @ Pawan Kumar Poddar, S/o Yogi Poddar, R/V- Doma Rahi,
P.S.- Udakishunganj, District -Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dasrath Risidev, S/o Late Ganga Rishidev, R/V- Domrhi, Ward no. 2, P.S.-
Udakishunganj, District - Madhepura.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Surya Narayan Yadav, Advocate
For the Respondent no.2	:	Mr. Abhishek, Advocate
		Mr. Arbind Kumar Pandey, Advocate
For the State	:	Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 11-04-2023 Heard the parties.

The instant criminal appeal has been filed under
Section 14(A)(2) of the Scheduled Castes and the Scheduled
Tribes (Prevention of Atrocities) Act, against the order dated
25.08.2022 passed by the learned Additional Sessions Judge-1st
-cum- Special Judge, Madhepura in connection with SC/ST
Case No. 92 of 2020 arising out of Udakishunganj P.S. Case No.



307 of 2020 dated 01.10.2020 registered for the offences punishable under Sections 307, 120(B)/34, 326, 302 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by which the appellant's prayer for bail has been rejected.

The main submissions advanced by learned counsel for the appellant are that the appellant has been languishing in jail since 12.08.2022, earlier he preferred Cr. Appeal (S.J.) No. 3743 of 2021 with co-accused Sajan Poddar @ Sajjan Poddar for the relief of anticipatory bail but appellant had to withdraw his prayer as he was arrested during the pendency of that appeal and the said co-accused Sajan Poddar @ Sajjan Poddar was granted anticipatory bail vide order dated 07.09.2022 passed in the above said criminal appeal and thereafter co-accused persons namely, Jay Nandan Mandal @ Jaynand Mandal and Manohar Muni have been granted regular bail by different benches of this court vide orders passed in Cr. Appeal (SJ) No. 1319 of 2021 and Cr. Appeal (SJ) No. 3489 of 2021 respectively. Further submissions are that as per the prosecution the victim was having illicit relation with one woman namely Pachiya Devi, who was also in illicit relation with co-accused



Jaynandan Mandal on account of which a dispute had arisen in between the deceased and the said Jaynandan Mandal who is co-accused and the main allegation is against him who is on bail and in the FIR any specific role of the appellant in the commission of the alleged crime has not been revealed.

Learned counsel appearing for the respondent no. 2 has vehemently opposed the bail prayer of the appellant and submitted that the order impugned has been rightly passed and the appellant does not deserve to the privilege of bail and the instant matter relates to murder of the informant's son.

Having considered the above submissions and mainly the facts that similarly situated co-accused persons namely, Sajan Podar @ Sajjan Poddar, Jay Nandan Mandal @ Jaynand Mandal and Manohar Muni are on bail as mentioned above and in the FIR the informant mainly raised suspicion against the appellant and others in respect of the murder of the deceased, in my opinion, appellant deserves to the privilege of bail. Hence, order impugned is hereby set aside and the appeal stands allowed and the appellant is directed to be released on bail on furnishing of bail bond of Rs.10,000/- with two sureties of like amount each to the satisfaction of the Court concerned, in connection with SC/ST Case No. 92 of 2020 arising out of



Udakishungaj P.S. Case No. 307 of 2020.

In the result, the instant appeal stands allowed.

(Shailendra Singh, J)

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