

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1098 of 2024

Arising Out of PS. Case No.-1068 Year-2021 Thana- ARA NAWADA District- Bhojpur

Sandeep Kumar Son of Gopal Mahto Resident of Village- Karmantola, P.S.-
Ara Nawada, District- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Dinesh Paswan Son of Late Raj Kumar Paswan R/o Mohalla- Sri Tola, Ward
NO. 36, P.S.- Ara Nawada, District- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravindra Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 07-05-2024 Heard Ld. counsel for the appellant and Ld. Special
Public Prosecutor for the State.

2. This criminal appeal has been filed to enlarge the appellant on bail, impugning the order dated 21.12.2023, passed by the Ld. 1st Additional Sessions Judge cum Special Judge Scheduled Caste / Scheduled Tribe Act at Bhojpur at Ara, in connection with SC/ST Case No. 16 of 2022, arising out of Ara Nawada P. S. Case No. 1068 of 2021 dated 7.11.2021, registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby bail has been denied to the appellant.



3. The prosecution case as emerging from the FIR is that the cousin of the informant informed him that a dead body is found lying at the gate of the washroom situated at the bus stand. When the informant went there, he saw that the dead body was of his nephew Pramod Kumar. It is alleged that there was some money dispute between the appellant and the deceased and due to this the present offence has been committed.

4. Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the appellant is named in the F.I.R. only on the basis of suspicion . He further submits that nobody has claimed to have seen the alleged occurrence. He further submits that other co-accused persons namely Roshan Kumar and Vinit Kumar who were also named in the First Information Report have already been enlarged on bail by this Court as well as a co-ordinate Bench of this Court vide orders dated 1.2.2023 and 04.08.2022 passed in Criminal Appeal (SJ) No. 1778 of 2022 and 961 of 2022 respectively.

5. He further submits that the appellant has been languishing in jail since 13.11.2021.

6. It has also been stated in paragraph no. 3 of the



appeal that the appellant has no criminal antecedents.

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

8. However, Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail.

9. Considering the aforesaid facts and circumstances, the appeal is allowed, setting aside the impugned order dated 21.12.2023, passed by Ld. 1st Additional Sessions Judge cum Special Judge, Scheduled Caste / Scheduled Tribe Act at Bhojpur at Ara and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. 1st Additional Sessions Judge cum Special Judge Scheduled Caste / Scheduled Tribe Act at Bhojpur at Ara, in connection with SC/ST Case No. 16 of 2022, arising out of Ara Nawada P. S. Case No. 1068 of 2021 on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not hamper on account of his absence or



non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant 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 appellant has any criminal antecedents, the Ld. trial court shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his 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, the Ld. trial court shall cancel the bail bonds of the appellant.

(Jitendra Kumar, J)

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