

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3307 of 2023

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

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RAMESH PANDIT @ RAMESH KUMAR S/O AYODHYA PANDIT R/O
Village- Bara, P.S- Belhar, Distt.- Banka.

... .. Appellant/s

Versus

1. The State of Bihar
2. Gulabi Pujar @ Gulabi Khaira S/O Late Rambal Khaira R/O Village- Bara,
P.O- Bara, Distt.- Banka.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Praveen Kumar
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 01-02-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 22.06.2023 passed by learned Additional Sessions Judge-I, Banka, whereby the prayer for bail of the appellant in connection with Belhar P.S. Case No. 461 of 2022 under Sections 302, 201/34 and 120B of the Indian Penal Code and Section 3(2)(va) of the SC/ST Act was rejected.

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

4. It is submitted by learned counsel for the appellant



that appellant has been falsely implicated in this case. Appellant is not named in the FIR and his name has transpired in this case on the basis of confessional statement of co-accused Tuntun Pasi and at his instance, the as alleged weapon, which is said to be used in the occurrence has been recovered. There is no eye-witness to the alleged occurrence only, on the basis of suspicion appellant has been falsely implicated in this case. Appellant has 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. The appellant has no intention to disgrace the image of the informant in public view. Moreover, the others co-accused have already been granted bail by this Bench vide order dated 0.11.2023 passed in Cr. APP(SJ) No. 2829 of 2023. He is languishing in judicial custody since 23.05.2023.

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

6. Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 22.06.2023 arising out of Belhar P.S. Case No. 461 of 2022 is hereby set aside.

7. The appellant is 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)
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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