

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4168 of 2023

Arising Out of PS. Case No.-149 Year-2023 Thana- PUNAURA District- Sitamarhi

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1. Nagendra Pandit Son Of Sri Vilas Pandit Resident Of Village- Kairwa Ward No. 3 (Nagar Nigam), Ps- Punaura, Distt- Sitamarhi
 2. Harendra Pandit Son Of Sri Vilas Pandit Resident Of Village- Kairwa Ward No. 3 (Nagar Nigam), Ps- Punaura, Distt- Sitamarhi
 3. Kamlesh Pandit Son Of Bindeshwar Pandit Resident Of Village- Kairwa Ward No. 3 (Nagar Nigam), Ps- Punaura, Distt- Sitamarhi
 4. Punam Devi Wife Of Harendra Pandit Resident Of Village- Kairwa Ward No. 3 (Nagar Nigam), Ps- Punaura, Distt- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Veena Devi Wife Of Ram Bishwas Paswan Resident Of Village- Kairwa, Ps- Maniyari, Ward No. 3 , Ps- Punaura, Distt- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Prasad Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 04-01-2024 Heard learned counsel for the appellants, informant
and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 17.08.2023 passed by learned 1st Additional Sessions Judge, Sitamarhi, whereby the prayer for bail of the appellant in connection with Punaura P.S. Case No. 149 of 2023 under Sections 147, 148, 149, 302 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the SC/ST Act was rejected.



3. The allegation against the appellants along with another is of killing the husband of the informant.

4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. He submitted that three thieves entered into the house of appellant no. 2 in the night for committing theft but on hulla raised by him, the villagers assembled there and caught one of them who was berated by the villagers and due to assault one thief died then appellant no. 2 lodged a case on the same date. There is no eye-witness to the alleged occurrence, only on the basis of suspicion, appellants have been implicated in the present case. There is no specific overt act against these appellants. They have 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 appellants have no intention to disgrace the image of the informant in public view. They are languishing in judicial custody for five months.

5. The appeal for bail is opposed by learned Spl. P.P. for the State, learned counsel for the informant and submitted that the Postmortem report corroborates the prosecution case with regard to the cause of death of the husband of the informant.



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 17.08.2023 arising out of Punaura P.S. Case No. 149 of 2023 is hereby set aside.

7. The appellants are directed to be enlarged on bail in connection with Punaura P.S. Case No. 149 of 2023 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 1st Additional Sessions Judge, Sitamarhi.

(Sunil Kumar Panwar, J)

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