

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4308 of 2023**

Arising Out of PS. Case No.-54 Year-2021 Thana- BHITAHHA District- West Champaran

Prabhu Pandey Son Of Kapildeo Pandey Resident Of Village Chandarpur
Pandey Tola, Ps Bhataha, District - West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Vinod Gond, S/o- Vishnath Gond, R/o- Baluwa bazar, P.S.- Bhitaha, Dist-
West Champaran

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

8 19-07-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 10.04.2021 passed by learned A.D.J.-I cum Special Judge SC/ST, Bettiah, West Champaran whereby the prayer for bail of the appellant in connection with Bhitaha P.S. Case no. 54 of 2021 under Sections 147, 148, 149, 120(b), 323, 341, 324, 307, 302, 354, 504 and 506 of the Indian Penal Code and sections 3(1)(r)(s)(w), 3(2)(va) of the SC/ST Act was rejected.

3. Allegation against the appellant along with other co-accused persons is that they assaulted the informant along



with his family members. It is further alleged that this appellant along with one co-accused, namely, Bhupendra Pandey assaulted to the informant's mother on her head and neck by means of *farsa* and *Bakua* due to which she sustained injury and later on she died during the course of treatment.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous land dispute. He 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 him. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 27.02.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and submitted that appellant is named in FIR and there is allegation against this appellant along with co-accused Bhupendra Yadav to assault upon the informant's mother on her head and neck by means of *Farsa* and *Bakua* due to which she died. Postmortem report also corroborated with the prosecution version. It is also submitted that the bail petition of the other co-accused, namely, Bhupendra Pandey has already been rejected by this Court vide order dated



13.04.2023 in Cr. APP SJ No. 4037 of 2022. During investigation, witnesses supported the prosecution case.

6. Having heard learned counsel for the parties and considering the nature allegation against the appellant, the Court is not inclined to grant regular bail to the appellant.

7. Accordingly, the instant Cr. Appeal(SJ) is hereby rejected.

(Sunil Kumar Panwar, J)

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