

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5163 of 2023

Arising Out of PS. Case No.-146 Year-2022 Thana- PANDAUL District- Madhubani

Bharat Chaudhary Son Of Mahavir Chaudhary R/O Village- Baghi Pokhar,
Chaudhary Tole Mohanpur, P.S.- Pandaul, District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Dilip Kumar Mahto Son of Late Ganga Ram Mahto R/O Village- Ranti
Pasiniya Chowk, P.S.- Rajnagar, District- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gagan Deo Yadav, Adv. Mr. Vinod Kumar, Adv. Mr. Ravi Prakash, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 21-03-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State. Perused the case diary.

2. The appellant has earlier moved before this Court
for grant of anticipatory bail which was dismissed vide order
dated 04.10.2023 passed in Cr. Appeal (SJ) No. 2331 of 2023.

3. The instant appeal has been filed by the appellant
against the order dated 16.10.2023 passed by learned 1st
Additional Sessions Judge cum Special Judge whereby the
prayer for bail of the appellant in connection with Pandaul P.S.
Case No. 146 of 2022 under Sections 302, 201, 34 of the I.P.C.
and Section 3(2)(v) SC/ST (POA) Act, was rejected.



4. The accusation against the appellant is of being involved in committing murder of the brother of the Informant and throwing the dead body in the pond.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. He further submits that there is no direct and specific allegation of any overt act against the appellant rather the same is general and omnibus in nature. There is no eye-witness to the occurrence and the appellant has been implicated in this case only on suspicion. He further submits that no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 16.10.2023 and has no criminal antecedent.

6. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

7. Considering the aforesaid facts and circumstances of the case and taking into account the the period of custody undergone by the appellant and also there being no direct allegation against the appellant, this Court is inclined to allow



this appeal. Accordingly, the appeal is allowed and order dated 16.10.2023 passed by learned 1st Additional Sessions Judge cum Special Judge is hereby set aside.

8. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Pandaul P.S. Case No. 146 of 2022, subject to the following conditions;

(i) One of the bailors shall be own/close member of the family of the appellant.

(ii) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

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