

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5219 of 2023

Arising Out of PS. Case No.-278 Year-2023 Thana- JHAJHA District- Jamui

SANJAY HANSDA, son of Nunua Hansda, resident of village-Dumardiha,
P.S.- Jhajha, District-Jamui.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-01-2024

Heard the parties.

2. The present appeal has been filed against the order dated 10.10.2023 passed by learned Additional Sessions Judge-1st cum Special Judge SC/ST (POA) Act, Jamui whereby and whereunder the prayer for bail of the appellant in connection with the SC/ST Case No.76/2023 arising out of Jhajha P.S. Case No.278/2023 for the offence punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act and 3(1)(r)(s)/3(2)(v), 3(2)(va) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act was rejected.

3. As per prosecution case, the informant's husband dead body was found on the road of Kathara river bridge and it is alleged that on account of previous land dispute the appellant and others have concertedly killed the informant's husband.

4. Learned counsel for the appellant submits that the appellant belongs to ST community, hence no case is made under



Section SC/ST Act. The appellant is not named in the FIR and the name of the appellant has been transpired in this case on the basis of mobile tower location. He further submits that as per mobile tower location the appellant was present at the place of occurrence, but as a matter of fact the appellant resides in the same village and the tower location indicates the presence of the appellant in the same village as the appellant resides in the same place. The appellant is not in any way connected with the alleged occurrence. Except suspicion, there is nothing on record to demonstrate the complicity of the present appellant with the alleged occurrence. The appellant is in judicial custody since 15.06.2023 and bears no criminal antecedent. He further submits that charge-sheet has been submitted in this case and cognizance has been taken and there is no likelihood of tampering with the prosecution evidence.

5. Learned A.P.P. for the State vehemently opposed the prayer of bail of the appellant.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, period of custody, the appellant is not named in the FIR, charge-sheet has been submitted in this case and cognizance has been taken and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, the Court is inclined to allow the instant appeal. The appeal is allowed and the order 10.10.2023 in



connection with SC/ST Case No.76/2023 arising out of Jhajha P.S. Case No.278/2023 by the learned Additional Sessions Judge-1st cum Special Judge SC/ST (POA) Act, Jamui is set aside.

7. The appellant is directed to be enlarged on bail in connection with SC/ST Case No.76/2023 arising out of Jhajha P.S. Case No.278/2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st cum Special Judge SC/ST (POA) Act, Jamui, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Appellant will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

