

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.106 of 2024

Arising Out of PS. Case No.-32 Year-2022 Thana- SURYAPURA District- Rohtas

Rajbhushan Pandey @ Tamatar Pandey S/O Bhaiya Ram Pandey R/O Village-
Agrer Khurd, P.S- Suryapura Distt.- Rohtas (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Indu Devi W/O Late Rajdev Paswan R/O Village- Agrer Khurd, P.S-
Suryapura, Distt.- Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar Singh, Adv.
For the Respondent/s : Mr. Binay Krishna, APP

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

ORAL ORDER

2 22-02-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant.

2. The instant appeal has been filed by the appellant against the order dated 08.11.2023. passed by learned Additional District Judge XVII (17) cum Exclusive Special Judge SC/ST, Rohtas at Sasaram arising out of Suryapura P.S. Case No. 32 of 2022 whereby the prayer for bail of the appellant in connection with Suryapura P.S. Case No. 32 of 2022 registered for offence under Sections 147, 148, 149, 341, 323, 447, 307, 302, 504 of the Indian Penal Code and Section 27 of the Arms Act and Section 3(i)(r)(s)/3(2)(v) of the SC/ST Act was rejected.



3. As per allegation, the accused persons including the present appellant armed with weapons came at the house of the Informant and started abusing by caste words. When the Informant's husband refused, Brij Bhushan Pandey fired from the rifle which hit her husband in the head, resulting in his death. Chandrabhushan Pandey fired from the rifle which hit Santosh Paswan in the leg. Thereafter, all the accused persons ran away from there.

4. The appellant has earlier moved with a prayer for grant of anticipatory bail before a Co-ordinate Bench of this Court but, the same was rejected vide order dated 29.09.2022 passed in Cr. Appeal (SJ) No. 2650 of 2022. Again, the appellant moved before this Court with a prayer for grant of anticipatory bail which was dismissed as withdrawn vide order dated 13.10.2023 passed in Cr. Appeal (SJ) No. 1224 of 2023.

5. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case only on the suspicion. Charge-sheet has been submitted in this case. There is no any direct or specific allegation of assault against the appellant. There is also no allegation of any firing or abusing the Informant. He further submits that the Informant, who is the P.W.2 and is an eye-witness to the occurrence, has not supported



the allegation made against the appellant. The appellant was also not present at the place of occurrence and has been implicated in this case by the Informant on the basis of false information given by the co-villagers. He again points out that no offence under the provisions of SC/ST Act is made out against him. The appellant is in custody since 25.08.2023. The appellant has seven criminal antecedents but, in all, he is on bail. Learned counsel for the appellant has further submitted that the similarly situated co-accused Vikash Pandey @ Vikash Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.01.2024 passed in Cr. Appeal (SJ) No. 82 of 2024.

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 period of custody undergone by the appellant as also considering the claim based on parity, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 08.11.2023 passed by learned Additional District Judge XVII (17) cum Exclusive Special Judge SC/ST, Rohtas at Sasaram arising out



of Suryapura P.S. Case No. 32 of 2022 is hereby set aside.

8. Let the appellant, above named, 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 Suryapura P.S. Case No. 32 of 2022.

(Rudra Prakash Mishra, J)

rishi/-

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

