

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.794 of 2025

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

Bhupendra Pandey S/O Kapildev Pandey Resident of Village- Chanderpur,
Pandey Tola, Police Station- Bhitaha, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Binod Gond S/O- Vishwanath Gond R/O Village- Balua Bazar, P.S- Bhitaha,
Distt.- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pratik, Adv.
For the informant	:	Mr. Prashant Kumar, Adv. Mr. Manur Alam, Adv.
For the State	:	Mr.Sadanand Paswan, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 26-06-2025 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail of the appellant vide order dated 14.09.2022 passed by the learned Additional District & Sessions Judge-I-cum-Special Judge (SC/ST Act), Bettiah, West Champaran in connection with S.T. No. 135/2021 arising out of Bhitaha P.S. Case No. 54 of 2021 dated 10.04.2021 registered for the alleged offences punishable under Sections 147, 148, 149, 120B, 341, 323, 324, 307, 354,



504, 506 and 302 of the Indian Penal Code and Sections 3(1)(r) (s)(w) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, when the informant's side were plucking wheat in their field, in the meantime, appellant and the co-accused persons armed with deadly weapons came there and started abusing them by calling their caste name and also forbade them to pluck the crop. On being objected by the informant's mother, the appellant and the co-accused, Prabhu Pandey assaulted her with farsa and bachua due to which she sustained head, neck and back injuries and subsequently, she died. The accused persons also assaulted the family members of the informant due to which they sustained injuries.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case due to land dispute. There is a case and counter case between the parties. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the informant is not an eye witness to the alleged offence. Learned counsel has further submitted that the post-mortem report does not corroborate the prosecution version as it is alleged against the appellant that he assaulted with farsa to the



deceased but the post-mortem report suggests that the deceased received fracture injuries which might be caused by hard and blunt substance. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 29.05.2021.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant and submitted that the bail application of the appellant was earlier rejected by a Coordinate Bench of this court vide order dated 13.04.2023 passed in Cr. Appeal (SJ) No. 4037/2022. Learned counsel has further submitted that 9 witnesses have been examined and only two witnesses of this case is yet to be examined.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 14.09.2022 passed by the learned Additional District & Sessions Judge-I-cum-Special Judge (SC/ST Act), Bettiah, West Champaran in connection with S.T. No. 135/2021 arising out of Bhitaha P.S. Case No. 54 of 2021, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount



each to the satisfaction of the learned Additional District & Sessions Judge-I-cum-Special Judge (SC/ST Act), Bettiah, West Champaran in connection with S.T. No. 135/2021 arising out of Bhitaha P.S. Case No. 54 of 2021 with the condition :-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

(Chandra Prakash Singh, J)

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