

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4268 of 2024

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

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1. Pankaj Kumar @ Pankaj Yadav S/o- Late Prasadi Yadav Village- Dario PS- Jhajha Dist- Jamui
 2. Pawan Yadav @ Pawan Yadav Son of Late Prasadi Yadav Village- Dario PS- Jhajha Dist- Jamui

... .. Appellant/s

Versus

1. The State of Bihar
2. Baso Hansda Son of Late Ramjee Murmu @ Mangna Murmu Village- Tarkhan Jati Sugwaudan, Village- Dario PS- Jhajha Dist- Jamui

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 13-11-2025 Heard Mr. Yogesh Chandra Verma, learned Senior Advocate assisted by Mr. Pankaj Kumar Sinha, learned Advocate for the appellants and the learned Spl. P.P. for the State.

2. The present appeal is directed against the order dated 21.08.2024 passed by the learned Additional District & Sessions Judge-I, Jamui in ABP No. 1415 of 2024 (SC/ST Case No. 76 of 2023) arising out of Jhajha P.S. case No. 278 of 2023, registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(s), 3(2)(v), 3(2)(va) of the Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Amendment Act, whereby prayer for anticipatory bail of the appellants stood rejected.

3. Based upon the *fardbeyan*, the prosecution alleges that on 05.06.2023, the informant received an information that the dead body of her husband was lying on a bridge. When the informant rushed there, she found that her husband was shot dead. It is further alleged that in the morning of the fateful day, one Mahendra Sah took her husband for measurement of the land but he did not return. It is also alleged that her husband got the land by way of a sale deed and she suspected the hands of Mahendra Sah, Brahmdeo Yadav, Pawan Yadav (appellant No. 2) and Pankaj Yadav (appellant No. 1) in killing of her husband.

4. Learned Senior Advocate for the appellants referring to the FIR contended that admittedly the informant is not an eye witness to the alleged occurrence and only suspicion has been raised on account of a land dispute that the appellants along with others have killed the deceased. There is no eye witness to the alleged occurrence. Moreover, in any view of the matter, no penal provision under the SC/ST (Prevention of Atrocities) Act is attracted. The appellants are men of fair antecedent and they undertake that they will fully cooperate in the proceeding of the



court.

5. On the other hand, learned Spl. PP for the State submits that the informant has specifically disclosed the name of the appellants in causing death of her husband on account of a land dispute.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the materials available on record, especially the fact that there is no eye witness to the alleged occurrence and the entire case is based upon suspicion, coupled with the fair antecedent as also the lack of materials attracting the penal provisions of the SC/ST (Prevention of Atrocities) Act, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I, Jamui in connection with SC/ST Case No. 76 of 2023 arising out of Jhajha P.S. case No. 278 of 2023, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the appellants.



7. In view thereof, the impugned order dated 21.08.2024 passed in ABP No. 1415 of 2024 is hereby quashed. The appeal stands allowed.

(Harish Kumar, J)

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