

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 1423-1426 OF 2013
(Arising out of SLP(Cr1.) Nos.6710-6713/2012)

AMIT PANDEY ETC.

Appellant(s)

:VERSUS:

STATE OF BIHAR & ORS.

Respondent(s)

O R D E R

Leave granted.

2. Heard Mr. Riturag Biswas in support of this appeal filed by the complainant and Mr. Nagendra Rai, learned senior counsel appearing for some of the accused respondents. We have also heard the counsel for the State of Bihar. All respondents are served.

3. This appeal by special leave seeks to challenge the orders of bail granted by the High Court to Ram Pujan Pandey and Amukh Pandey in Criminal Miscellaneous No.7415/2012, Jitendera Pandey in Criminal Miscellaneous No.7005/2012, Tanuj Pandey in Criminal Miscellaneous No.3879/2012 and

Hare Ram Pandey in Criminal Miscellaneous No.1630/2012. All these accused have been charged under Section 302 of IPC in FIR No.258 of 2011 at Madhaura Police Station in District Chhapra, State of Bihar. The counsel for the appellants submits that the impugned orders granting bail to these persons state that no role is attributed to them while, in fact, the charge-sheet very much shows as to how they did play part in the occurrence leading to the murder of one Nagendra Pandey. Thus, if we see the charge-sheet, we find that Jitendra Pandey went to pull up Nagendra Pandey from the motorcycle, and Amukh Pandey and Hare Ram Pandey pushed the injured complainant down and Jitendra Pandey had used the dagger. In this state of affair, it is difficult to understand as to how the learned Single Judge of the High Court came to the conclusion that there was no overt act attributed to these four persons. We may, however, add that we do not find any specific role attributed to Tanuj Pandey.

4. Having heard the learned counsel in defence, we are still of the view that in this situation, the order of bail was not justified as far as these four

respondents-accused, namely, Amukh Pandey, Jitendra Pandey, Hare Ram Pandey and Ram Pujan Pandey are concerned. We are not satisfied with the order of bail that has been granted to them by the High Court. Consequently, we allow these appeals and set aside the orders passed by the learned single Judge of the High Court granting bail to these four accused. These accused will surrender before the concerned Police Station within two weeks from today.

These appeals are disposed of accordingly.

.....J
(H. L. GOKHALE)

JUDGMENT.....J
(J. CHELAMESWAR)

New Delhi;
September 9, 2013.