

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3199 of 2017

Arising Out of PS.Case No. -161 Year- 2017 Thana -BAJPATTI District- SITAMARHI

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1. Bhaglu Singh @ Madan Singh @ Madan Prasad Rai son of Chandeshwar Prasad Rai
 2. Sanjay Singh son of Bhaglu Singh @ Madan Singh @ Madan Prasad Rai both resident of Village- Pathrahi, Got, P.S. Bajpatti, District Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pravin Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 15-12-2017 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Sitamarhi, in connection with Bajpatti Police Station Case No.161 of 2017 registered under Sections 302/201/120B/34 of the Indian Penal Code and Sections 3(ii) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

A day before the two minor sons of the informant were killed, appellant Sanjay Singh had threatened the informant that he would kill his son. For that reason suspicion is against the



appellants that they have committed murder of the sons of the informant.

Only material during investigation came against the appellants is that the snuffer dog entered into the house of the appellant Sanjay Singh and took his one of the shoes towards the river-side from where the dead body was recovered.

Submission of the learned counsel for the appellants is that the same is no evidence in the eye of law. Moreover, the aforesaid evidence has come in the supervision note of the supervising authority, which is itself not considerable evidence in criminal trial. This exercise should have been done at the earliest and the evidence should have been recorded in the case-diary at the earliest that snuffer dog was utilized to collect the evidence on the issue and such evidence for circumstance appeared.

Considering the fact that there is no sufficient material against the appellants, let the appellants, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Bajpatti Police Station Case No.161 of 2017. Investigation is already complete. Hence, the appellants shall fully cooperate with the trial of the case, failing which the court



below shall be at liberty to cancel the bail bond of the appellants.
Accordingly, the appeal stands disposed of.

(Birendra Kumar, J)

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