

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2795 of 2018

Arising Out of PS. Case No.-10 Year-2018 Thana- SAHPUR District- Bhojpur

Ritesh Rai, S/o Late Bisuni Rai, R/o Vill.- Ram Dathi, P.S.- Karnamepur,
District- Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with
Criminal Appeal (SJ) No. 2848 of 2018

Arising Out of PS. Case No.-10 Year-2018 Thana- SAHPUR District- Bhojpur

Amit Rai, Son of Ram Pravesh Rai, Resident of Village- Jogamusahis, P.S.-
Karimuddinpur, District- Gazipur (U.P.)

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

(In Criminal Appeal (SJ) No. 2795 of 2018)

For the Appellant/s : Mr. Ravindra Kumar

For the Respondent/s : Smt. Usha Kumari No-1

(In Criminal Appeal (SJ) No. 2848 of 2018)

For the Appellant/s : Mr. Ashok Kumar Singh

For the Respondent/s : Smt. Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 13-08-2018

Heard learned counsel for the parties.

Both these appeals are under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide orders dated 13.07.2018 and 28.06.2018, respectively passed by the learned 1st



Additional Sessions Judge, Bhojpur at Ara in connection with S.C./S.T. Case No.11 of 2018, arising out of Sahpur (Karnamepur) Police Station Case No.10 of 2018 registered under Section 302/34 of the Indian Penal Code as well as Section 3(1)(r)(s)(g)/2(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 27 of the Arms Act.

There is no other eyewitness of the occurrence of murder. However, the land dispute and previous murder of the uncle of the informant is suspected to be the reason for commission of murder of the husband of the informant by the appellants and others.

Submission is that the suspicion howsoever strong cannot take place of proof. Furthermore, appellant, *Amit Rai* is not named in the F.I.R. Both the appellants namely, *Ritesh Rai* and *Amit Rai* are in custody since 17.04.2018 and 19.05.2018, respectively. Investigation of the case is already complete. The appellants are ready to co-operate with the trial.

Learned counsel for the State opposed the prayer for bail.

Considering the entire facts aforesaid, let the appellants, above named, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two



sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

Accordingly, the impugned order is set aside and both these appeals stand allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

