

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.741 of 2019**

Arising Out of PS. Case No.-257 Year-2018 Thana- NOKHA District- Rohtas

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Tilak Yadav @ Navnit Kumar @ Navnit Kumar Singh S/o not mentioned
Resident of village- Shivpur, P.S-Nokha, Distt.- Rohtas at Sasaram.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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**WITH
CRIMINAL APPEAL (SJ) No. 819 of 2019**

Arising Out of PS. Case No.-257 Year-2018 Thana- NOKHA District- Rohtas

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Rakesh Pandey @ Rakesh Choubey Son of Gharbharan Pandey @
Manbharan Choubey Resident of Village - Ghosiya, P.S.- Nokha, District -
Rohtas at Sasaram.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (SJ) No. 741 of 2019)

For the Appellant/s : Mr. Raghunandan Kumar Singh

For the Respondent/s : Mr. Binay Krishna

(In CRIMINAL APPEAL (SJ) No. 819 of 2019)

For the Appellant/s : Mr. Babu Nandan Prasad

For the Respondent/s : Mr. Binay Krishna

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

ORAL JUDGMENT

Date : 06-05-2019

As both the criminal appeals have cropped up from
the same order, hence aforesaid two appeals are being heard
together and disposed of by this common judgment.

Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

Both these appeals have been preferred against the



refusal of prayer for bail vide order dated 08.01.2019 passed by learned Addl. Sessions Judge-1st-cum Special Court, Rohtas at Sasaram in Nokha P.S. Case No. 257 of 2018 registered under Sections 302 & 201/34 of the Indian Penal Code and Section 3, 2 (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

There was some dispute between the informant and appellant Tilak Yadav @ Navnit Kumar @ Navnit Kumar Singh over the money and appellant Tilak Yadav & Rakesh Pandey @ Rakesh Choubey took the son of the informant, namely, Chhote Lal Ram on the motorcycle on the date of occurrence but his son did not regress to his house. On the search his dead body was found in the pond in the village Ghoshiyan bearing injury on his temporal region.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case. There is no eye witness of the occurrence of committing murder of the deceased. Both the deceased and appellant Tilak Yadav @ Navnit Kumar @ Navnit Kumar Singh are tempo driver and ply their separate tempo. There is no animosity between them. It is further submitted by learned counsel for the appellant Tilak



Yadav @ Navnit Kumar @ Navnit Kumar Singh that in para-21 of the case diary the witness has stated that on telephonic interaction in the night of occurrence the deceased assured him to come to the house soon. It is submitted by learned counsel for the appellant Rakesh Pandey @ Rakesh Choubey that he is a priest and he was called for to perform worship of tempo on the occasion of Vishwakarma Puja. Appellant Tilak Yadav @ Navnit Kumar @ Navnit Kumar Singh has been languishing in custody since 20.09.2018 and appellant Rakesh Pandey @ Rakesh Choubey has been languishing in custody since 28.09.2018.

Learned Special Public Prosecutor for the State opposing the bail prayer submitted that the appellants have taken the deceased with them on the motorcycle but the deceased did not regress to his house and on the following morning the dead body of the deceased was found in the pond located in the village Ghoshiyan having injury on the head. There is dispute between the appellant Tilak Yadav @ Navnit Kumar @ Navnit Kumar Singh and the deceased over money and appellant Rakesh Pandey @ Rakesh Choubey is friend of Tilak Yadav. Witnesses in para 6, 7 & 8 of the case diary have unanimously stated that both the appellants took away the deceased on the motorcycle on the date of occurrence.



Having regard to the facts and circumstances of the case, the prayer for bail of the appellants is hereby rejected and both these appeals are dismissed.

(Prakash Chandra Jaiswal, J.)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.05.2019
Transmission Date	08.05.2019

