

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1178 of 2019**

Arising Out of PS. Case No.-136 Year-2016 Thana- BASANTPUR District- Siwan

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1. Sanjay Singh @ Rajiv Kumar Son of Sabhapati Singh Resident of Village - Bithuna, P.S.- Basantpur, Distt.- Siwan
 2. Manu Singh @ Abhimanyu Singh Son of Jaykishor Singh Resident of Village - Bithuna, P.S.- Basantpur, Distt.- Siwan
 3. Mender Singh @ Vijay Singh Son of Lalan Singh Resident of Village - Bithuna, P.S.- Basantpur, Distt.- Siwan
 4. Pheku Singh @ Rupes Kumar Singh Son of Ganesh Singh Resident of Village - Bithuna, P.S.- Basantpur, Distt.- Siwan

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arbind Kumar Singh

For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

7 09-09-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 13.02.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST, Siwan in Basantpur P.S. Case No. 136 of 2016 registered under Section 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Husband of the informant had gone to Mathiya to



sleep and around 08:00 PM on the date of occurrence, when the informant and his daughter Savita Devi arrived near the Mathiya to supply food to her husband, appellants, who were present at the Mathiya did not allow them to enter into Mathiya rather made them to leave the place chiding them, resultantly, she regressed to the village and divulged the matter to the villagers, but none came forward to extend her any sort of help and when the informant arrived at Mathiya on the following morning, she found bullet ridden dead body of her husband lying in the Mathiya. She has claimed that all the aforesaid appellants have committed murder of her husband as the appellants were mounting pressure upon her to withdraw the case lodged by her against them and extending threatening of dire consequence.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. There is no eyewitness of the occurrence. None has come forward in support of the case of the informant about presence of the appellants at Mathiya at the time of occurrence. After investigation of the case, police has also found the case untrue and submitted the final form. Some independent witnesses stated about presence of the appellant Sanjay Singh in the tilak ceremony of sister of the appellant Mender Singh far away from



the place of occurrence. Appellants have no criminal antecedent, hence, they may be enlarged on bail.

Per contra, learned Spl. P.P. for the State and learned counsel for the informant opposing the bail prayer of the appellants submitted that the appellants were present at Mathiya where the husband of the informant had gone to sleep at night and when the informant and her daughter arrived near the Mathiya to accord food to her husband, they did not allow them to enter into Mathiya and made them to leave the place chiding them and on the following morning, bullet ridden dead body of of the deceased was found in the said Mathiya. Earlier, the appellants had also extended threatening to the informant over not withdrawing the case lodged by her against them. Aforesaid circumstances goes to indicate the complicity of none else than appellants in the occurrence, hence, they do not deserve bail.

Having regard to the facts and circumstances of the case, I am no inclined to enlarge the appellants on bail. Accordingly, their prayer is rejected and the appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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