

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1390 of 2019

Arising Out of PS. Case No.-129 Year-2018 Thana- KALYANPUR District- East Champaran

RAM PARVESH RAM @ RAM PRAVESH RAM Son of Devdhari Ram
Resident of Village- Jogiya Lalgadh, P.S.- Shyampur, Bhataha, District-
Sheohar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mahendra Thakur, Advocate. Mr. Vijay Kumar, Advocate. Mr. Shashi Bhushan Pandey, Advocate.
For the State	:	Mr.Binay Krishna
For the Informant	:	Manish Rai Dharma, Advocate.

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

ORAL ORDER

8 16-07-2019 Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for bail vide order dated
05.10.2018 passed by learned 1st Addl. Sessions Judge cum
Special Judge, East Champaran, Motihari in Kalyanpur P.S.
Case No. 129 of 2018 registered under Section 302/34 of the
Indian Penal Code and Sections 3(2)(V) of the SC/ST Act.

Husband of the informant is said to have been
eliminated by Avinash Thakur in association of 4-5 unknown
miscreants.

It is submitted by learned counsel for the appellant



that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. He is not named in the F.I.R. There is no cogent material on record indicating the complicity of the appellant in the occurrence. Though the witnesses in Para-7 and 8, who happens to be brothers of the deceased, have stated about witnessing the appellant escaping taking dab in his hand after the occurrence in the night, but as the aforesaid witnesses happen to be brothers of the deceased and brothers-in-law of the informant and informant has lodged this case after 17 hours of the occurrence, so had they witnessed the appellant escaping with dab after the occurrence, informant would have named the appellant in the written report which creates serious doubt about the complicity of the appellant in the occurrence. Appellant has been languishing in custody since 24.07.2018.

On the other hand, learned Spl. PP for the State and learned counsel for the informant vehemently opposing the bail petition submitted that the witnesses in Para-7 and 8 of the case diary have unanimously stated about witnessing the appellant escaping with dab after the occurrence in the night. Appellant in his confessional statement has also confessed his guilt in the occurrence and on the disclosure of his confessional



statement dab was recovered. Said dab was purchased by the appellant 15 days preceding to the occurrence from Santosh Sharma and said Santosh Sharma has identified the appellant as purchaser of the aforesaid dab from his shop. Wife of the appellant in Para-11 of the case diary has stated that there was some squabbling between the deceased and the appellant as the appellant suspected illicit relationship between her and the deceased. Witnesses in Para-9 and 27 of the case diary have stated that preceding to the occurrence, there was some brawl between the appellant and the deceased and appellant had extended threatening of dire consequence to the deceased. Hence the appellant does not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Prayer for bail of the appellant is rejected.

However, learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within six months after framing of charge and S.P., East Champaran, Motihari is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to S.P., East Champaran, Motihari by fax for needful.



Appellant may renew his prayer for bail if the trial is not concluded within the stipulated period.

(Prakash Chandra Jaiswal, J)

mantreshwar/-

U		T	
---	--	---	--

