

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1609 of 2019

Arising Out of PS. Case No.-711 Year-2018 Thana- TURKAULIYA District- East Champaran

1. RAVI RANJAN @ RABINDRA Son of Jangbahadur sahani @ Shivbaran sahani Resident of Village-Madhumalti, P.S-Sugauli, District-East Champaran.
2. Ghanshyam Sahani Son of Shivbaran Sahani Resident of Village-Madhumalti, P.S-Sugauli, District-East Champaran.

... .. Appellant/s

Versus

The State of Bihar..... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravindra Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 13-08-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14 (A) (2) 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 anticipatory bail vide order dated 12.03.2019 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST, Act, East Champaran, Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 711 of 2018, registered under Sections 302/201/34 of the Indian Penal Code and also under Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

As per the disclosure of the husband of the informant he left the house on phone call of Dhananjay Yadav and Ravi Ranjan. He was also seen along with the aforesaid accused at the middle school by the villagers but he did not regress to the house. On 29.10.2018 his dead body was found. Informant's husband has been eliminated by the aforesaid accused persons for money transaction.

It is submitted by the learned counsel for the appellants that appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to animosity and dirty village politics. There is no eye witness of the occurrence. None of the witnesses has named the appellants with the deceased at any point of time. They have no criminal antecedent. Hence, they may be enlarged on bail.

Learned Spl. P.P. for the State opposing the prayer for bail submitted that the CDR of mobile phone of the deceased indicates that appellant No.2 had interacted with the deceased number of times on the date of occurrence and independent witnesses have claimed to have seen the deceased along with appellants at middle school. Hence, appellants do not deserve bail.



Considering the facts and circumstances of case, I am not inclined to enlarge the appellant No.2 Ghanshyam Sahni on bail. The prayer for bail of the appellant No.2 Ghanshyam Sahni is hereby rejected.

While appellant No.1 Ravi Ranjan @ Rabindra is directed to be enlarged on bail in the event of his arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge-cum- Special Judge SC/ST (POA) Act, East Champaran, in connection with Turkauliya (Banjariya) P.S. Case No. 711 of 2018, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the present appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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