

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1741 of 2019

Arising Out of PS. Case No.-155 Year-2018 Thana- VAISHALI District- Vaishali

-
1. Sanjeev Kumar, male, aged about 44 years, Son of Uma Shankar Singh
 2. Abhay Kumar, Male aged about 37 years, Son of Uma Shankar Singh, Both residents of Village - Fuladh, P.S.- Vaishali, Distt - Vaishali.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr. Ramesh Kumar Choudhary, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, APP

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

7. 16-11-2019 Having heard learned counsel for the petitioner, this Court finds no reason or substance to interfere in the present appeal, so filed under sub-section (2) of Section 14 (A) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

In the F.I.R. itself, the incident took place on 2nd of July, 2018. Allegedly, three persons namely Uma Shankar Singh, his two sons, namely Sanjeev Kumar and Abhay Kumar (both petitioners) murdered Sri Rameshwar Paswan. Perhaps other persons were also involved in the crime, which led to registration of FIR No. 155 of 2018 at Police Station Vaishali, District Vaishali, Bihar under the provisions of Sections 302/201 read with Section 34 of the Indian Penal Code; Section 27 of the



Arms Act, and Sections 3(i)R, 3(i) S of the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

It is true that pending investigation, initially challan was presented against accused Uma Shankar Singh. However, from the further investigation, as is evident from the record and observed by the learned 1st Addl. District & Sessions Judge, Vaishali, the complicity of the present petitioners, namely Sanjeev Kumar and Abhay Kumar in the crime stood revealed.

To contend that confessional statement of Uma Shankar Singh during the course of the investigation was got recorded under threat and coercion is not acceptable, for such oral plea is taken from the first time before this Court. This Court is dealing with a case where death had taken place with the use of fire-arm. A Division Bench of this Court in **Bisheshwar Mishra vs. The State of Bihar, 2016 (4) PLJR 1058** has already held that if *prima facie* case is made out, then no appeal against the order of anticipatory bail, would be maintainable.

It is seen that the F.I.R. does disclose a cognizable offence, which is of a serious nature. It is not a case where no case against the present petitioners cannot be said to have been made out by the police.



The present appeal was filed in the month of April, 2019 whereafter when the matter was listed before this Court, no interim protection was granted. It is seen that for one reason or the other, the petitioners have been able to evade the process of law and perhaps under the garb of application seeking anticipatory bail before the Sessions Court as also this Court, police is not taking any action against the accused.

For all the aforesaid reasons, the present appeal stands dismissed with further direction to the Superintendent of Police, Vaishali to ensure that investigation is completed expeditiously and appropriate action is taken by the investigating officer in accordance with law.

(Sanjay Karol, CJ)

Sunil/-

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

