

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1961 of 2019

Arising Out of PS. Case No.-115 Year-2019 Thana- SUGAULI District- East Champaran

RAJ MOHAN SINGH Son of Chandrama Singh Resident of Village- Murla,
P.S.- Ramgadwa, District- East Champaran. Appellant.
Versus

The State of Bihar. Respondent.

Appearance :

For the Appellant/s : Mr. Nilesh Kumar

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

6 19-07-2019 Heard learned counsel for the appellant, learned
counsel for the informant 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 in short referred to as the
'SC/ST Act') against the refusal of prayer for bail vide order
dated 05.04.2019 passed by learned 1st Additional Sessions
Judge cum Special Judge SC/ST Act, East Champaran at
Motihari in connection with Sugauli P.S. Case No.115 of
2019 registered under Section 307/302 of the Indian Penal
Code, Section 27 of the Arms Act and Section 3(ii) (v) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Appellant, husband of the informant and Md.
Irfan are said to be running the poultry business and money of



her husband was due to the appellant and on the call of the petitioner, her husband and cousin had gone to collect the money and while they were regressing after collecting money from the appellant and Md. Irfan, six unknown miscreants resorted firing upon her husband and cousin. They also stabbed her husband resultantly her husband succumbed to injury. Appellant is said to have committed the aforesaid occurrence hatching conspiracy.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case merely on suspicion. There is no eye witness of the occurrence. Injured Munna Kumar Das who happens to be companion of the deceased at the time of occurrence has not named the appellant in the occurrence. The said Munna Kumar Das and Md. Irfan have unanimously stated that taking rupees one lakh when Munna Kumar Das along with the deceased proceeded towards the house on way six unknown miscreants resorted firing upon them and also stabbed the deceased Harimohan Das. Resultantly Harimohan Das succumbed to injury and he has also sustained firearm injury in the occurrence. Some of the witnesses in the case have stated that the deceased Harimohan Das had animosity with Ajay



Singh over committing murder of Vishal Singh by him. There is nothing in the record indicating the complicity of the appellant in the occurrence. Appellant has no criminal antecedent and has been languishing in custody since 25.03.2019.

Learned counsel for the informant and learned Spl. PP for the State opposing the prayer for bail submitted that the appellant was having business term with the deceased and money of the deceased was due to the appellant and due to the aforesaid reason appellant hatching conspiracy got the deceased eliminated in association of other accused persons on the way to his house after taking money from him and Md. Irfan. Hence, he does not deserve bail.

In the facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, East Champaran at Motihari in connection with Sugauli P.S. Case No.115 of 2019.

Trivedi/-

(Prakash Chandra Jaiswal, J)

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