

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2271 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- MIRGANJ District- Gopalganj

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Pankaj Yadav Son of Vijay Yadav @ Vijay Kumar Resident of Village -
Basudeopur, Gonbarahi, P.S.- Khampar, District - Deoria (U.P.).

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 2422 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- MIRGANJ District- Gopalganj

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Vijay Ram S/o Harishankar Ram R/o Village- Khoriyapatti, P.S.- Mirganj,
District- Gopalganj

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (SJ) No. 2271 of 2019)

For the Appellant/s : Mr. Md. Naushad Uzzoha

For the Respondent/s : Mr. Binay Krishna

(In CRIMINAL APPEAL (SJ) No. 2422 of 2019)

For the Appellant/s : Mr. Md. Naushad Uzzoha

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 13-08-2019 As the aforesaid two criminal appeals have cropped

up from the same order, hence, they are taken up together and

are being disposed of by common order.

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 for bail vide order dated 03.05.2019 passed by learned 1st Addl. Sessions Judge, Gopalganj in Mirganj P.S. Case No. 24 of 2019 registered under Sections 302, 120(B)/34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Five named accused persons including the appellants are said to have taken the grand son of the informant on the pretext of dining and committed his murder by assaulting on his head at the door of Sujit Yadav.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to ulterior motive. There is no eye witness of the occurrence. Even the informant does not happen to be eye witness of the occurrence. Allegation levelled against the appellants is not specific rather general and omnibus in nature. It is further submitted that no motive of occurrence is attributed to the appellant Vijay Ram and he has been falsely implicated in this case merely because he happen to be associate of Pankaj Yadaj. They have been languishing in custody since 27.04.2019, hence, they



may be enlarged on bail.

Per contra, learned Spl. P.P. for the State opposing the bail prayer of the appellants submitted that all the accused persons named in the FIR including the appellants have taken the deceased from the house of his grand father on the pretext of dining and committed his murder on the same day and several witnesses in the case diary have unanimously stated that Pankaj Yadav was having animosity with the deceased, hence, the appellants do not deserve bail.

As the appellant Pankaj Yadav was having animosity with the deceased and he had taken the deceased from the house of his grand father and murder of the deceased has taken place on the same day within a short while of taking the deceased from the custody of his grand father, I am not inclined to enlarge the appellant Pankaj Yadav on bail. Accordingly, his prayer is rejected.

So far as the appellant Vijay Ram is concerned, he had only accompanied Pankaj Yadav and there is no eyewitness of committing murder of the deceased by the said appellant and he has been languishing in custody since 27.04.2019, I am inclined to enlarge him on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the



like amount each to the satisfaction of the learned 1st Addl.
Sessions Judge, Gopalganj in connection with Mirganj P.S. Case
No. 24 of 2019.

Accordingly, the aforesaid two appeals are
disposed of.

(Prakash Chandra Jaiswal, J)

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