

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2637 of 2019**

Arising Out of PS. Case No.-324 Year-2018 Thana- RIGA District- Sitamarhi

Naresh Das Son of Ramhirday Das Resident of Village-Sirahi, Mathawa, P.S-
Riga, District-Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Virendra Kumar

For the Respondent/s : Mrs. Usha Kumari I

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

ORAL ORDER

7 18-09-2019 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
(PoA) Act against the refusal of prayer of anticipatory bail vide
order dated 15.05.2019 passed by learned 1st Addl. Sessions
Judge cum Special Judge, SC/ST Act, Sitamarhi in Riga P.S.
Case No. 324 of 2018 registered under Sections 302, 120-B,
201/34 of the Indian Penal Code and Section 3(ii)(v) of the
SC/ST Act.

Son the informant, namely, Sikandar Das had left the
house in the evening of 2.11.2018 on the motorcycle of two
unknown miscreants, but he did not regress the house rather his
dead body was found in the Sareh of Rampur on 4.11.2018. The
informant suspects complicity of the appellant and co-accused



Lakshman Sah in the murder of his son due to previous animosity.

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 this case due to dirty village politics. There is no eyewitness of the occurrence. Appellant has not taken the deceased from his house on the motorcycle. Informant has not alleged any specific animosity of the appellant with the deceased and has raised only suspicion against him. There is no cogent incriminating material in the case diary indicating complicity of the appellant in the occurrence. Appellant has no criminal antecedent.

Per contra, learned Spl. P.P. for the State opposing the bail prayer of the appellant submitted that process under Section 83 Cr.P.C. issued against the appellant has already been executed, hence, anticipatory bail filed by the appellant is not maintainable.

In the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Accordingly, his prayer is rejected.

However, appellant is directed to surrender before the court below within six weeks and seeks regular bail and



learned court below shall pass order on the very date of his
surrender in accordance with law considering the facts and
circumstances of the case without being prejudiced by this
order.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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