

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2737 of 2019

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

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DHANANJAY YADAV @ DHANANJAY RAI @ DHANANJAY ROY @
DHANNJAY YADAV S/o Chhatthu Yadav @ Chhathu Yadav R/o village-
Kaparsandi, P.S.- Turkaulia, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Anshuman Singh, Advocate. Mr. Rakesh Kumar, Advocate. Mr. Madhav Jha, Advocate.
For the Respondent/s	:	Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL

ORAL ORDER

3 27-08-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for anticipatory bail vide order
dated 10.05.2019 passed by learned 1st Addl. Sessions Judge
cum Special Judge, SC/ST Act, East Champaran, Motihari in
Turkaulia (Banjariya) P.S. Case No. 711 of 2018 registered
under Sections 302 and 201/34 of the Indian Penal Code and



Section 3(i)(v) of the SC/ST Act.

Husband of the informant left the house on receiving telephone call of Dhananjay Yadav and Raviranjana @ Ravindra but did not regress to the house. She learnt from the locals that her husband was seen with the aforesaid accused persons proceeding to the middle school and during the course of search after two days his dead body was found on the bank of the river. She suspects that the appellant along with another accused has committed murder of her husband over money dispute.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. Appellant has been falsely implicated in the case as there was money transaction between the deceased and the father of the appellant and money of the father of the appellant was due to the deceased and in order to devour the aforesaid money of the father of the appellant, informant has lodged this false and frivolous case against the appellant. From perusal of the CDR of the mobile of the deceased, deceased was found to have interacted on a mobile phone preceding to the occurrence and said mobile was found to be of Ghanshyam Sahani and appellant has no concern with the said Ghanshyam Sahani. There is no eye witness of the occurrence. Though the informant



in her written report has stated that she learnt about proceeding of her husband along with the appellant and another accused to the middle school on the date of occurrence but she has not disclosed the source of information and moreover informant in her further statement has not given such statement. Other witnesses examined by the prosecution have also not corroborated the aforesaid statement of the informant as adumbrated in the written report. There is nothing in the case diary indicating the complicity of the appellant in the occurrence. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 cum Special Judge, SC/ST Act, East Champaran, Motihari in connection with Turkaulia (Banjariya) P.S. Case No. 711 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



Accordingly, the impugned order is set aside and
appeal is allowed.

(Prakash Chandra Jaiswal, J)

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