

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2826 of 2019

Arising Out of PS. Case No.-129 Year-2018 Thana- KALYANPUR District- East Champaran

AVINASH THAKUR, Son of Sudama Thakur, Resident of Village- Ahiman
Chhapra, P.S.- Kalyanpur, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vinay Ranjan

For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

4 28-08-2019 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 01.06.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, East Champaran in Kalyanpur P.S. Case No. 129 of 2018 registered under Section 302/34 of the Indian Penal Code and Section 3(2)(v) of the SC/ST Act.

Appellant along with 4-5 unknown miscreants were spotted strolling in front of the house of the informant in the night and when the informant woke up responding the hulla, she found her husband eliminated by slitting his neck by some unknown miscreant. Appellant Avinash Thakur had also assaulted her husband and extended threatening of dire



consequence over the electoral dispute. She suspects that appellant Avinash Thakur along with others have committed murder of her husband.

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 due to political rivalry. Though informant in her written report has suspected the hand of the appellant in the occurrence of murder of her husband but in her further statement she has stated that there was altercation between her husband and Ram Pravesh Ram preceding to the occurrence and Ram Pravesh Ram had extended threatening of dire consequence to her husband. Witnesses in Para-7, 8 and 9 of the case diary have unanimously stated that Ram Pravesh Ram was seen escaping on the road armed with dab. Aforesaid witnesses and witness in Para 11 and 27 of the case diary have also stated that Ram Pravesh Ram had extended threatening to the deceased as the deceased used to interact with his wife. Said Ram Pravesh Ram was apprehended and he confessed committing murder of the deceased by means of dab as the deceased was having illicit relation with his wife and on the basis of his confessional statement dab used in the occurrence was also seized. Appellant has no criminal



antecedent. Hence he may be enlarged on bail.

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 in connection with Kalyanpur P.S. Case No. 129 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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