

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3011 of 2019

Arising Out of PS. Case No.-43 Year-2019 Thana- NAUTAN District- Siwan

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Raju Kumar Giri, Son of Prem Giri Resident of Village - Angauta, P.S.-
Nautan, District- Siwan

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bijay Prakash Singh
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

3 28-08-2019 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 25.06.2019 passed by learned 1st Additional Sessions
Judge cum Special Judge, Siwan in connection with Nautan P.S.
Case No. 43 of 2019 registered under Sections 365, 302, 201,
120 B of the Indian Penal Code and Section 3(2) (v) (a) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Husband of the informant left the house



responding the telephonic call to attend the Barat at Mirjapur but he did not regress to the house. Subsequently, his dead body was recovered from the house of Sindhu Devi.

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 due to animosity. He is not named in the FIR. He was neither seen with the deceased nor with the Sindhu Devi by anyone. There is no cogent material on record indicating the complicity of the appellant in the occurrence barring his confessional statement made before the police, which has no evidentiary value in the eye of law. Witnesses in paras-6, 7, 8 & 59 of the case diary have only stated that there is rumour in the village about complicity of the appellant in the occurrence. Though witness in para-59 of the case diary, has stated that he learnt about the complicity of appellant along with other accused persons in the murder of the husband of the informant over dispute of money but he has not disclosed the source of information. Appellant has no criminal antecedent and has been languishing in custody since 19.03.2019.

On the other hand, learned counsel for the informant and learned Spl. PP for the State opposing the prayer



for bail submitted that the appellant in collusion of other accused persons committed murder of the husband of the informant. 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, Siwan in connection with Nautan P.S. Case No. 43 of 2019.

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

(Prakash Chandra Jaiswal, J)

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