

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3885 of 2019

Arising Out of PS. Case No.-49 Year-2019 Thana- GAYA MUFASIL District- Gaya

1. ASHOK YADAV @ ASHOK KUMAR Son of Sukhdev Yadav @ Sukhdev Jadav Resident of Village - Belsar, P.S.- Atri, District - Gaya.
2. Balchand Yadav @ Ravikant Yadav @ Ravikant Kumar @ Balchand Kumar Son of Sukhdev Yadav @ Sukhdev Jadav Resident of Village - Belsar, P.S.- Atri, District - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No2
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-11-2019 Heard learned Counsel for the appellants and learned
Additional Public Prosecutor representing the State.

The order, dated 25.07.2019 passed by the learned Special Judge, SC/ST Act, Gaya, in A.B.P. No. 197 of 2019, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Mufassil Police Station Case No. 49 of 2019, registered for the offences punishable under Sections 364/302/201/120B//34 of the Indian Penal Code and Section 3(i)(r)(s)/3 (2) (v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act,



1989, has been rejected.

The allegation against the appellants is that the appellants, along with others, intercepted the deceased, namely, Vijay Paswan, and abducted him and subsequently he was killed by all the accused persons.

Learned Counsel for the appellants submits that the appellants have falsely been implicated in the present case inasmuch as from perusal of the First Information Report, it was Babloo Paswan, who was accompanying the deceased and said Babloo Paswan, in his statement before the police, has only disclosed the name of three persons, who alighted from the tempo and took away the deceased (paragraph 4 of the case diary).

On the other hand, learned Additional Public Prosecutor, vehemently opposes the prayer for anticipatory bail and submits that the appellants are named in the First Information Report and confessional statement of the co-accused has been recorded, in which the entire description of the crime committed by the appellants and others have been vividly disclosed. She further submits that charge sheet has been submitted against most of the accused persons and in paragraph 27 of the case diary, the name of the appellants has come upon



the information gathered by the police.

Having regard to the submissions made on behalf of the parties and taking into consideration the materials on record, it transpires that the appellants are named in the First Information Report, the entire description of the crime committed by the appellants and others have been disclosed in the confessional statement of the co-accused, the police is still investigating the case and custodial interrogation may be necessary, I am not inclined to interfere with the impugned order, dated 25.07.2019, passed in A.B.P. No. 197 of 2019.

This appeal is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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