

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1259 of 2021**

Arising Out of PS. Case No.-339 Year-2020 Thana- BARHARIA District- Siwan

Amarjeet Ram son of Chhotelal Ram Resident of village- Nawalpur, P.S-
Barharia, Dist- siwan

... .. Appellant

Versus

The State of Bihar

... .. Respondent

with

CRIMINAL APPEAL (SJ) No. 1660 of 2021

Arising Out of PS. Case No.-339 Year-2020 Thana- BARHARIA District- Siwan

Balinder Ram Son Of Bigan Ram Resident Of Village Nawalpur, Police
Station- Barharia, District- Siwan

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1259 of 2021)

For the Appellant/s : Mr.Irshad Ahmad Khan, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

for the Informant : Mr. Ajay Kumar Pandey, Advocate

(In CRIMINAL APPEAL (SJ) No. 1660 of 2021)

For the Appellant/s : Mr.Irshad Ahmad Khan

For the Respondent/s : Mr.Binay Krishna, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 30-06-2021 Heard learned counsel for the appellants, learned

counsel for the informant and learned Special Public Prosecutor

for the State.

The appellants, in the present appeals, are seeking

setting aside the order dated 06.01.2021 passed by learned 1st

Additional Sessions Judge – cum – Special Judge, Siwan in

connection with Barharia P.S. Case No. 339 of 2020 under



Section 302, 120(B) of Indian Penal Code and Section 3(i)(r)(s) of SC/ST (Prevention of Atrocities) Act.

As per prosecution story, the informant alleged that on 20.11.2020 the accused persons including these appellants took away the son of the informant from the Chhat Ghat, thereafter the informant along with his family members went in search of his son but his son was not found and in the morning when some persons was going to meet the natural call they informed the informant thereafter the informant went at the place of occurrence and found the dead body of his son in the field near canal.

Learned counsel for the appellants submits that the appellants have been falsely implicated in this case, the appellants have been made accused only on the basis of suspicion and the appellants are in jail since 23.11.2020.

Learned Special Public Prosecutor for the State and learned counsel for the informant have opposed the prayer for bail of the appellants.

Having regard to the facts and circumstances of the case, after hearing learned counsel for the appellants in both the appeals, learned Spl. P.P. for the State and learned counsel for the informant, this Court has noticed that the allegation against



these appellants have been supported by the witnesses whose statements are recorded in paragraph 4, 7, 9, 10, 11 & 12 of the case diary. They have seen the deceased being accompanied by these appellants. In paragraph '11' of the case diary the witness Narayan Ram has supported the prosecution case and further in paragraph '14' it has come that in course of raid in the house of Amarjeet Ram, the Investigating Officer has found a Jeans Pant having blood-stained and the same was seen to the F.S.L. The F.S.L. report is also supporting the allegation.

Considering the entirety of the materials placed before this Court and the seriousness of the offences alleged, this Court is not inclined to interfere with the impugned orders.

Both the appeals fail and are dismissed accordingly.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

