

Arising Out of PS. Case No.-225 Year-2020 Thana- SALAKHUA District- Saharsa

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

For the Appellant/s	:	Mr. Arun Kumar Sinha, Advocate
For the State	:	Mr. Sadanand Paswan Spl PP
For the informant	:	Mr. Amarnath Jha Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 01-06-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Heard learned counsel for the appellant, informant and learned Spl PP for the State.

The appellant has preferred the present appeal under Section 14A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity , *SC/ ST Act*) against the refusal of his prayer for regular bail vide order dated 22.01.2021, passed by learned Additional Sessions Judge-III-cum- Special Judge, SC/ST Act, Saharsa, in a case registered under Sections 341,323,324,302,201,120B/34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of SC/ST Act in connection with Spl. Case No. 109 of 2020, arising out of Salkhua P.S. Case No. 225 of 2020.



The prosecution case is that co- accused Sidhu Yadav has allegedly asked the informant's son to work on his tempo vehicle. Subsequently, the dead body of the informant's son has been shown in a photograph.

It is submitted by the appellant's counsel that he is not named in the FIR and merely on the basis of exculpatory and inculpatory statements recorded in the course of investigation, he has been made accused in this case. Earlier, he is accused in two more cases. However, he is on bail in both the cases. In the instant case, he is in custody since 19.10.2020.

The learned counsel for the informant as well as learned Spl.PP for the State have opposed the prayer for bail. They have drawn the attention of the Court towards the case diary which was earlier requisitioned. Referring to the same, he submits that co accused Sidhu Yadav has stated about the motive being a quarrel of the deceased with the instant appellant for a mobile phone. One Manish Kumar, who has also been examined, in the course of examination, has supported this motive and the fact that the instant appellant, on gun point, had threatened him to transport the remains of the deceased for concealing it. The same has been recovered on basis of statement of the instant appellant recorded in the course of investigation.

Considering the facts and submissions advanced by the parties, this Court, for the present, is not inclined to allow the petitioner's prayer for bail. In my opinion, no case for grant of bail is made out. The impugned order dated 22.01.2021 passed by learned Additional Sessions Judge-III- cum- Special Judge, SC/ST Act, Saharsa in connection with Spl. Case No. 109 of 2020, arising out of Salkhua P.S. Case No. 225 of 2020, requires no interference by this Court.



Accordingly, this appeal is dismissed.
(Madhuresh Prasad, J)

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