

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.862 of 2020**

Arising Out of PS. Case No.-804 Year-2018 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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SANJAY RAI @ SANJAY RAY Son of Shankar Ray Resident of Village-
Harpur Bakhari, P.S.-Ahiyapur, District-Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Arun Kumar, Adv.

For the Respondent/s : Mr.Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 07-04-2021 Heard both sides.

The appellant filed this appeal under Section 14(A)(2) of the S.C./S.T. Act against the order dated 26.06.2019 passed by learned A.D.J. XI-cum-Special Judge, SC/ST Act, Muzaffarpur by which the anticipatory bail of the appellant has been rejected in Muzaffarpur Sadar P.S. Case No.804 of 2018 registered under Sections 302, 201 and 34 of the Indian Penal Code and under Sections 3(1)(s)/3(2)(v) of the S.C./S.T. Act.

The informant, Devendra Kumar Ram alleged that on 19.01.2018, Ajay Rai took his elder brother Manoj Ram from his house to village Harpur Bakhri. Manoj Ram disclosed that he was in village Harpur Bakhri along with Banshi Ram, Jansi Ram, Shiv Shankar Ram, Raj Kumar Ram, Ajai Rai, Sanjay



Rai(the petitioner), Sohan Ram and Upendra Ram but his brother did not return. Later on, the mobile of the deceased found switched off. The dead body of his brother was found in SKMCH.

The learned counsel for the appellant submits that appellant is innocent and he has in fact committed no offence. No offence under Sections 302, 201 and 34 of the Indian Penal Code and under different Sections of S.C./S.T. is made out. The appellant has falsely been implicated in the case on mere suspicion. The suspicion, however strong may be, cannot be a basis for conviction. Hence, the appellant deserves anticipatory bail but Mr. Binay Krishna, the learned Special P.P. vehemently opposed the prayer for anticipatory bail and submits that during the course of investigation, it transpired that the appellant and others were found in company with the deceased and the appellant and others were last seen with the deceased. Immediately thereafter the dead body of the deceased was found which was brought to SKMCH. The informant and his family members identified the dead body of Manoj Ram.

Taking into consideration the facts aforesaid and the nature of allegation made against the appellant, it appears that the appellant was last seen with the deceased and thereafter the



dead body of the deceased was recovered. The doctor also found
ligature mark all around the neck of the deceased and the
deceased was apparently strangled to death. Thus, I do not
find the case fit for grant of anticipatory bail. Accordingly, the
appeal is dismissed.

(Prabhat Kumar Jha, J)

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