

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2223 of 2021**

Arising Out of PS. Case No.-90 Year-2020 Thana- MURAR District- Buxar

CHUNMUN RAJBHAR Son of Nathuni Ram @ Nathuni Rajbhar Resident of
Village- Ora, P.S.- Rajpur, District- Buxar.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Rajeev Ranjan, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

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

6 15-07-2021 Learned counsel for the appellant undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

Appellant in the present case is seeking to set aside
the order dated 17.12.2020 passed by learned Additional District
and Sessions Judge 1st-cum-Special Judge, Buxar in SC/ST Case
No. 115 of 2020 arising out of Murar P.S. Case No. 90 of 2020
registered for the offences under Section 302, 376(D), 379 and
307/34 of the Indian Penal Code and Section 3(2)(v) of the
Scheduled Caste and Scheduled Tribe (AC/ST) (Prevention of
Atrocities) Act, 1989 Act whereby and whereunder his prayer



for regular bail was rejected.

As per the prosecution story, on 10.10.2020 the informant along with her five year son was going to S.B.I., Chaugai to deposit cash. The accused persons surrounded the informant and snatched her mobile and money and took them on their motorcycle to an orchard. She has alleged that the accused persons had committed rape upon her and brought her to her village and when the informant raised hulla, the accused persons shut her mouth with a handkerchief and threw her and her son in the water due to which her son had died.

Learned counsel for the appellant submits that from the statements made in the First Information Report as well as Section 164 Cr.P.C. statement of the victim lady it would appear that the appellant is not named in the F.I.R. she has named co-accused Bhola Yadav and Meena Ram along with three other persons who were wearing mask but their identity has not been disclosed.

Learned counsel further submits that in course of investigation the name of the appellant has transpired as one with whom the victim lady has a love affair and in order to get rid of her, the appellant along with co-accused Radhe Shyam Rajbhar had hatched a conspiracy to kill her and to execute that



conspiracy in the night the victim lady was tied up with her minor son and was thrown in the water, in the process the minor son died.

Learned counsel further submits that it is a case of false implication of the appellant on the basis of confessional statement of the co-accused and save and accept that there is no other material against him.

On the other hand, Mr. Binay Krishna, learned Spl. P.P. for the State has opposed the prayer for bail of the appellant. After going through the case diary, learned Spl. P.P. submits that in fact the victim lady was in love with this appellant and she was pressurising him to marry with her. This appellant along with co-accused had hatched a conspiracy in which the victim lady with her minor son were thrown in the water. Co-accused Radhe Shyam Rajbhar had accepted that the victim lady was brought to his house by this appellant who had produced her as his second wife. The co-accused, tempo driver, Markande Rajbhar has also been examined and accepted that he has falsely implicated this appellant in his statement.

Considering the facts and circumstances of the case wherein the investigation has revealed that this appellant has been instrumental in throwing the victim lady and her five years



old son in the water and in the said occurrence the five years old son of the lady died, the injury report of the victim lady shows several injuries on her body and rape having been committed on her, since the name of this appellant has transpired as the main accused and in course of investigation the CDR of the mobile phone have been collected and it has been found that the victim lady was in touch with this appellant, this Court is not inclined to interfere with the impugned order.

Prayer for bail is thus refused.

Considering the kind of materials noticed by this Court and the period of custody, this Court directs the trial court to proceed with the trial as early as possible and all endeavours be made to conclude the same within one year from the date of start of normal functioning of the court.

If the trial remains unconcluded for no reason attributable to the appellant, he may renew his prayer for bail.

This appeal stands dismissed.

(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'.

