

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2264 of 2021**

Arising Out of PS. Case No.-170 Year-2020 Thana- TARARI District- Bhojpur

Ravi Shankar Pandey @ Nata Pandey S/O Sheo Pukar Pandey R/O Village-
Bhakura, P.S.-TARARI, District-Bhojpur

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Ravindra Kumar, Advocate

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

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

3 16-07-2021 At the outset, learned counsel for the appellant submits that appellant is on bail in all the cases stated in paragraph '3' he could not mention this fact inadvertently while filing the petition.

Heard learned Senior Counsel for the appellant and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

The appellant, in the present case, is seeking setting aside the order dated 22.12.2020 passed by learned 1st Additional Sessions Judge, Bhojpur, Ara in connection with Tarari P.S. Case No. 170 of 2020 registered for the offence under Section 302, 201 of the Indian Penal Code.

Learned counsel for the appellant submits that the present F.I.R. has been lodged two days after the recovery of the



dead body of the son of the informant. The dead body was found by the Chowkidar and the inquest report shows that the son of the informant was brutally murdered, several injuries have been found on his body.

Learned counsel further submits that so far as this appellant is concerned, he has been falsely implicated in this case because of his criminal antecedent. There is no eye witness to the alleged occurrence and the confessional statement of the appellant is said to have led the recovery of motorcycle of the deceased but from this shop of one Laddu Mistri who has not been examined.

Learned Special Public Prosecutor for the State has opposed the prayer for regular bail of the appellant. It is submitted that from the impugned order this court may find that that in paragraph 18 & 19 the witnesses have made statement that the deceased was in the company of this appellant. In course of investigation it has come that on 30.08.2020 the deceased alongwith one Md. Sohail whose statement is recorded in paragraph '19' had gone to the house of this appellant, a party was arranged there. The witness Sohail claims that he was asked to go to his home as the deceased was likely to stay with the appellant. He came back to his home and disclosed this to his



father and the father of the deceased.

Learned Special Public Prosecutor further submits that the father of the deceased thereafter identified the cloths and photograph of his son in the police station and informed this fact which he had heard from Md. Sohail. Thereafter police raided the house of the appellant from where he was arrested and on the basis of his confessional statement the motorcycle of the deceased was recovered. The knife which was used in the alleged murder of the son of the informant was thrown in the river. It is further submitted that this appellant has got 14 criminal antecedents and as such release of the appellant at this stage would not be in the interest of trial.

Having regard to the facts and circumstances of the case wherein this court has noticed that these two witnesses have come forward to say that the deceased had gone to the house of this appellant and thereafter his dead body was recovered, the motorcycle of the deceased was recovered on the basis of the confessional statement of this appellant, the appellant has got 14 cases on his head and he is in custody in connection with this case only since 04.09.2020, this Court is not inclined to release the appellant on bail at this stage.

Prayer for regular bail of the appellant is, thus,



rejected.

Let the trial be expedited.

The trial court shall make all endeavours to conclude the trial as early as possible preferably within a period of 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.

The appeal stands disposed off accordingly.

(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'.

