

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2410 of 2021**

Arising Out of PS. Case No.-212 Year-2020 Thana- RAHUI District- Nalanda

SANJEEV SINGH @ SANDEEP SINGH Son of Indradev Singh Resident of
Village- Dekpura, Police Station- Rahui, District- Nalanda.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Anil Kumar Singh, Adv.
For the Respondent/s	:	Mr.Abhay Kumar, Adv. Mr.Binay Krishna, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 30-07-2021 Heard learned counsel for the appellant, learned counsel
for the informant and learned Special Public Prosecutor for the
State through virtual mode.

This is an appeal under section 14(A) of the Scheduled
Castes and Scheduled Tribes Act, 1989 (hereinafter in short
referred to as the 'SC/ST Act') against the refusal of prayer for
bail vide order dated 26.02.2021 passed by learned Additional
Sessions Judge 1st-cum- Special Judge, Nalanda at Biharsharif
in connection with Rahui (Bhaganbigha) P.S. Case No.212 of
2020 registered under sections 302, 201/34 IPC and section 3(2)
(v)(a) of the SC and ST Act.

The prosecution case in brief, is that the appellant along
with his father came at her house and took away her husband



and when he did not return lately, the informant went to the house of the accused persons to search him but in vain. Thereafter, she along with her family members and relatives started searching him. It is further alleged that on the next day at evening hour, she heard that dead body of a person is lying in water in Baha Khandha, so she went there and recognised the dead body that of her husband. She saw many injuries of knife blows on the dead body and alleged that the accused persons have killed him.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant is quite innocent and has been falsely implicated in the case merely on suspicion with a false and concocted story. It is the case of last seen theory and there is no eye witness to the occurrence. It is further submitted that police after investigation filed the final form. There is enmity between the parties and the informant herself stated that prior to 2-3 months of the said occurrence, some altercation has taken place between the parties with regard to children but there is no reason as to why when there is a dispute, the husband of the informant will go away with appellant and his father. There is no specific overt act against and no recovery of any incriminating article has been made



from the possession of the appellant. The appellant is languishing in custody since 27.12.2020.

Learned Spl. PP for the State opposed the prayer for bail by submitting that it is a best case of last seen. In the case diary, it has come that all the witnesses have supported the prosecution case and the post mortem report also supports the case of prosecution.

In the facts and circumstance of the case, this is a case of last seen and charge is not framed against the appellant till date, I am not inclined to grant bail to the appellant.

The instant appeal is hereby dismissed.

However, liberty is granted to the appellant to renew his prayer for bail after framing of the charges.

(Anjani Kumar Sharan, J)

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