

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2969 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- BUXAR MUFFSIL District- Buxar

Rahul Kumar Rajbhar, aged about 22 years (Male) S/o Sriman Narayan Rajbhar, R/O- vill. Dhudhani, Police Station- Buxar (M) Dist .Buxar

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Dr. Kamaldeo Sharma, Adv.

For the Respondent/s : Mr Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 25-08-2021 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 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 08.04.2021, passed by learned Additional Sessions Judge 1st-cum-Special Judge, Buxar, in a case registered under Section 302/34 of the Indian Penal Code and Sections 3(2)(v) of SC/ST Act, in connection with SC/ST Case No. 27 of 2021 arising out of Buxar (M) PS Case No.81 of 2021.

The informant's son was taken away by the appellant and two others on a motorcycle. Next morning, unidentified dead body was discovered. The informant, thereafter, has named the



instant appellant along with two others.

The learned counsel for the appellant submits that since 03.03.2021, the appellant is in custody. He has no criminal antecedents and his implication is only on suspicion. In fact, the FIR under Section 174 Cr. P. C. has been lodged by the police earlier regarding the same being an unnatural death.

The learned APP, however, on going through the case diary, submits that one of the co-accused, in the course of investigation, has revealed the fact that deceased was having intimate relationship with the instant appellant's sister. It is submitted that having regard to the motive which has come in the course of investigation and the fact that the victim was last seen with the instant appellant when he has left his home on his motorcycle, the prayer for bail should not be allowed to the appellant, at the present moment.

On a consideration of the rival submissions of the parties, having regard to the submissions advanced by the learned Spl PP which, the Court is inclined to accept. Hence, the prayer for bail made on behalf of appellant is rejected.

Petition is dismissed.

(Madhuresh Prasad, J)

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