

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3053 of 2021

Arising Out of PS. Case No.-234 Year-2019 Thana- DARAUNDA District- Siwan

1. Rakesh Singh Son of Parsuram Singh Resident of Village - Karsaut, P.S.- Daraunda, Dist.- Siwan.
2. Dhananjay Singh Son of Parsuram Singh Resident of Village - Karsaut, P.S.- Daraunda, Dist.- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Surendra Kishore Thakur Mr.Brajesh Kumar Singh
For the Respondent/s	:	Mr.Binay Krishna Mr.Raghav Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-09-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed against order dated 16.10.2020 passed by learned Addl. Sessions Judge-I-cum-Special Judge, SC/ST Act, Siwan in Daraunda P.S. Case No. 234 of 2019, registered for the offence punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 3(1)(r)(s) of SC/ST Act, whereby the prayer for bail of appellant has been rejected.

As per the prosecution case, on 19.10.2019 at about 4:00 PM, the brother of the informant had gone to the house of appellants to clear his dues of Rs. 50,000/-, but he did not return till night. On the next day, the dead-body of informant's brother was found on the road. The informant suspects that these



appellants committed the murder of his brother.

It is submitted on behalf of the appellants that as per F.I.R., the informant is not the eye-witness to the occurrence and these appellants have been made accused in this case only on suspicion. Nobody had seen the occurrence. In fact, in paragraph – 6 of the case diary, it has come that the deceased had gone with the motorcycle of appellant no. 2. During course of investigation, it has come that deceased met with an accident and due to which, he died. In support of the same, a report of Motor Car Inspector, Siwan has been brought on record, vide Annexure 4, which is reproduced hereinbelow:

“The vehicle found damaged from front side. Fuel tank front damage from front side. Front visor, front both (right & left) indicator Light, front mudguard, left & right fail panel etc. found broken.”

On perusal of above report, it goes to show that the motorbike of the deceased met with accident. Appellants have got no criminal antecedent. Appellant no. 1 is in custody since 14.09.2020 and appellant no. 2 is in custody since 20.09.2020. Investigation is complete.

However, counsel for the informant opposed the appeal and submitted that motorcycle of appellant no. 2 was found near the place of occurrence, which goes to show that these appellants committed the murder of deceased.



Considering the aforesaid facts and circumstances, the impugned order dated 16.10.2020 is, hereby, set aside and this appeal is allowed.

Let both appellants, above named, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-I cum Special Judge, SC/ST Act, Siwan, in connection with Daraunda P.S. Case No. 234 of 2019.

(Prabhat Kumar Singh, J.)

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