

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2123 of 2020

Arising Out of PS. Case No.-21 Year-2020 Thana- GAURICHAK District- Patna
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ANIL RAVIDAS Son of Late Aklu Ravidas Resident of Village - Chamardih,
P.S. - Gaurichak, District - Patna.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Vikramdeo Singh, Adv.
Mr.Narendra Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 02-02-2021 Heard Mr. Vikramdeo Singh, learned counsel for

the appellant and Mr. Vinay Krishna, learned Special P.P. for

the State.

This appeal is directed against the order dated

15.06.2020 passed by the learned Special Judge, SC/ST

Act, Patna in connection with Special Case No. 47 of 2020

arising out of Gaurichak P.S. Case No. 21 of 2020 dated

25.01.2020, registered for the offences under Sections 302

and 34 of the Indian Penal Code and Section 3(2) and (v) of

the Schedule Castes and Schedule Tribes (Prevention of

Atrocities) Act, 1989, whereby the prayer made on behalf of

the appellant for grant of bail has been rejected.



The deceased is the husband of the informant. A day after the dead body of the deceased was recovered, a written report has been filed, which is the basis of the subject F.I.R.

It has been alleged in the F.I.R that the appellant had called the deceased for payment of his dues but the deceased never came back. The appellant is said to have told the informant that the deceased, after consuming liquor, had fallen in a ditch. In the night, despite search by the informant, the deceased could not be found. On the next day, the informant learnt that a dead body of a person with smashed head is lying in one of the rooms of a local school. On this information, the informant went to the place where the dead body was lying and identified it to be her husband. The police had already arrived at the place. There was smell of liquor around the dead body. A thick stick also was found at the place of occurrence, which was identified to be of one Suresh Rai, who too has been made accused in this case. In the F.I.R, apart from the allegation against Suresh Rai, it has also been alleged that in every illegal work of the Suresh



Rai, the appellant was also a participant. On these set of facts, the informant suspected the hands of appellant and others for having killed her husband.

Learned counsel for the appellant has submitted that at time when the dead body was recovered, the informant was present but she did not make any complaint to the police. It was only after a day that she gave the written report in which she has weaved a long drawn story of Suresh Rai pressurizing the deceased for working in his field. She has also expressed suspicion against the appellant because he had called the deceased for the payment which was due to him.

Learned counsel for the appellant, therefore, submits that the accusation against him is solely based on suspicion without there being any basis. There is no material except what has been stated in the written report to connect the appellant with the offence.

I am not inclined to accept the aforesaid proposition for the reason that it was the appellant who had called the deceased out of his house to receive his payment and the



appellant again went back to the house of the informant to let her know that the deceased had fallen in a ditch after consuming liquor. This statement pre-supposes that at the time when the deceased fell in the ditch, the appellant was present and he did not do anything about it. He could have rescued the deceased if the facts were limited to the present assertion. That not having been done by the appellant and the dead body of the deceased having been found with his head crushed, I do not consider it to be an appropriate case for grant of bail to the appellant for the present.

The prayer for grant of bail is rejected.

The appellant is stated to be in custody since 27.01.2020.

The Trial Court is directed to expedite and conclude the trial within a period of one year from the date of receipt / production of a copy of this order.

The appeal stands dismissed.

(Ashutosh Kumar, J)

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