

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1119 of 2021

Arising Out of PS. Case No.-120 Year-2020 Thana- KALYANPUR District- Samastipur

RAM KALESH RAY Son of Jharilal Ray Resident of village - Kamopur, P.S.
- Khanpur, District - Samastipur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Birendra Kumar Singh
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-03-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State.

The present appeal has been filed against the order dated 30.09.2020 passed by learned 1st Additional District and Sessions Judge cum Special Judge, SC/ST Act, Samastipur in connection with Kalyanpur P.S. Case No. 120/2020 registered for the offences punishable under Sections 120B/201/302 of the Indian Penal Code and Sections 3(1)(r) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby the prayer for bail of appellant was rejected.

As the FIR, on 14.06.2020 at about 08:00 P.M., husband of the informant left his house along with his neighbour Lal Babu Paswan, but they did not return. On search in the next morning, informant and father of Lal Babu Paswan were



informed that two dead bodies have been thrown in a ditch near bone mill in the village Ratwara. They reached the aforesaid place and identified the dead-bodies of Bhikari Ray (husband of the informant's) and Lal Babu Paswan son of Nanhaki Pawan. It is further alleged that Ram Kalesh Ray (appellant) and Shambhu Paswan got one katha of land each registered from the husband of the informant (deceased), but they did not pay the total money and with a view to misappropriate the consideration money, the appellant along with others killed the deceased.

It is submitted on behalf of the appellant that the appellant has been made accused in this case on the basis of suspicion and save and except suspicion, there is no cogent material to show the complicity of this appellant in the aforesaid crime. It is further submitted that the date of occurrence is 14.06.2020 and FIR has been lodged on 16.06.2020 after recovery of dead-body. From perusal of the sale-deed dated 08.05.2020, it would appear that the deceased had already received the full consideration money from the wife of the appellant. Chargesheet has already been submitted in this case. Appellant has got clean antecedent and he is in custody since 18.06.2020.

Considering the aforesaid facts and circumstances as



well as nature of allegation, the impugned order dated 30.09.2020 passed by learned 1st Additional District and Sessions Judge cum special Judge, SC/ST Act, Samastipur in connection with Kalyanpur P.S. Case No. 120/2020 is set aside and appeal is allowed.

Accordingly, let the appellants, above named, be enlarged 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 1st Additional District and Sessions Judge cum Special Judge, Samastipur, in connection with Kalyanpur P.S. Case No. 120/2020.

(Prabhat Kumar Singh, J)

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