

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.356 of 2022

Arising Out of PS. Case No.-101 Year-2021 Thana- KATIHAR MUFFASIL District- Katihar

Sanjeev Kumar Son Of Ramesh Pandit @ Mukhiya Pandit Resident Of
Village- Mohammadpur, P.O. Gokulpur, P.S.- K. Nagar, O.P. Champa Nagar,
District- Purnia

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjoli Devi Wife Of Late Dharmendra Ravidas Daheriya Bhattha, P.S.
Mufassil, District- Katihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar, Advocate.
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 15-09-2022 Learned counsel for the Appellant is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Sanjay Kumar, learned counsel for the
Appellant as well as learned Special Public Prosecutor for the
State.

In compliance of the order dated 08.09.2022, a
jointness petition has been filed today in the court itself and the
same has been kept on record. From the record, it appears that
the notice has been received by the son of the respondent no. 2
but no-one appears on behalf of the respondent no.2/informant.

This is an appeal under Section 14 A (2) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 10.12.2021 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, Katihar in connection with Katihar Mufassil P. S. Case No. 101 of 2021 giving rise to Special SC/ST Case No. 59 of 2021 registered for the offences punishable under Sections 302, 120 (B) read with 34 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST (Prevention of Atrocities) Act.

As per the prosecution case, it is alleged that on 20.06.2021 in the night at about 09:00 O’clock, while the informant/respondent no.2 was sleeping beside her husband, in the meantime, two persons came covered their face with *gamcha* and closed her mouth and carried her to the baramada and thrown her there due to which she became unconscious. After some time, when she regain her conscious, she found her husband lying on the bed covered in the pool of blood, thereafter, her husband took to the nearby hospital for treatment where he was declared dead.

Learned counsel appearing on behalf of the Appellant submitted that the appellant is not named in the F.I.R.



and in fact, the F.I.R. has been instituted against unknown persons, however, during the course of investigation, the name of one Raju Kumar surfaced on the basis of call details report and thereafter, his confession was recorded and he took the name of the appellant as the associate in killing the husband of the informant/respondent no.2. It is next submitted that during the course of investigation the involvement of the informant/respondent no.2, who happens to be wife of the deceased has also found and she has been made accused in this case. It is further submitted that the entire prosecution case revolves around co-accused Raju Kumar and Sanjoli Devi and so far the appellant is concerned, only because of the past enmity with the co-accused Raju Kumar, his name has been implicated in this case. It is also submitted that the appellant is a student, preparing for competitive examination, having fair antecedent, is in custody since 24.06.2021 and altogether out of eight charge sheet witnesses, three of them have been examined.

On the other hand, learned Special Public Prosecutor for the State vehemently opposes the bail appeal and submits that during the course of investigation, co-accused Raju Kumar was apprehended and he confessed his involvement and submits that the appellant was hired for killing and the weapon,



which is said to have been used is still in the house of the appellant and on the basis of the said confession, the police recovered the arms from the house of the appellant.

Regard being had to the materials available on record especially the recovery of the arms, which is said to have been used for the purposes of crime, in question, this court is not persuaded to enlarge the petitioner on bail at present.

Accordingly, the present appeal stands dismissed.

It is expected that the learned trial court will take all necessary measures to expedite and conclude the trial at the earliest, as preferably within a period of four months.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

