

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1007 of 2022

Arising Out of PS. Case No.-712 Year-2021 Thana- KAHALGAON District- Bhagalpur

SUJEET SINGH @ BULLET @ SUMIT KUMAR SINGH Son of Atul Kumar Singh @ Atul Prasad Singh Resident of Village - Dhanokhar, P.S. - Sanokhar, District - Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Baijnath Tanti Son of Late Baunki Tanti Resident of Village - Dhanokhar, P.S. - Sanokhar, District - Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar Singh, Advocate

For the Respondent/s : Ms. Usha Kumari I, APP
Mr. PANKAJ KUMAR SINGH, APP
Mr. ARVIND KUMAR SINHA, APP
Mr. MUNISH KUMAR, APP

For the Informant : Mr. Praveen Kumar, Advocate
Mr. Ravi Prakash Diwvedi, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 18-08-2022

Heard learned counsel for the appellant and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 10.02.2022 passed by the learned 3rd Additional Sessions Judge-cum- Special Judge(SC/ST), Bhagalpur in



Special SC/ST Case No. 168/2021, arising out of Kahalgaon P.S. Case No. 712 of 2021 registered for the alleged offences under Sections 147, 302 and 201 of the Indian Penal Code and under Sections 3(i) (r) (s) and added under Sections 3(2) (v) of the Scheduled Cast and Scheduled Tribes Act.

As per prosecution case, the son of the informant was brutally assaulted by the appellant and other co-accused persons and after killing him, they threw the dead body in a pond. Later on, the dead body was taken out from the said pond.

Learned Senior counsel appearing on behalf of the appellant submits that the FIR lodged by the informant is based on hearsay as he was told about the occurrence by one Chunmun Tanti and the said Chunmun Tanti was examined after two months of the alleged occurrence. The allegations are not specific against this appellant and only general and omnibus allegations have been levelled against all the accused persons named in the FIR. It is not alleged in the FIR that the assailants were holding any type of weapon and only fists and legs have been stated to be used during assault. Even the two friends of the deceased have not made any specific allegation against the appellant. Moreover, there were more than 200 persons present there but none has come forward making any allegation against



the appellant. Learned Senior counsel further submits that even the statement of Chunmun Tanti which was recorded after two months appears to have been made to support the prosecution story. It has been tailored according to the post-mortem report and for the first time, it has been stated in his statement that the deceased was hit with butt of the gun. Thus, the learned Senior counsel submits that there is no merit in the case against the appellant. Charge sheet has been submitted in this case and the appellant is in custody since 17.01.2022.

Learned counsel appearing on behalf of the informant submits that there were two eye witnesses and both were the friends of the deceased and their statements have been recorded and the same are consistent that the allegation made in the FIR. These witnesses have specifically stated about assault and throwing of the dead body in the pond and post-mortem report also supports the allegations and internal injuries were found on dissection of the dead body and the injuries were stated to be ante-mortem and grievous to life in ordinary course of nature and caused by hard and blunt force. Learned counsel further submits that the allegations against the appellant and other co-accused are that of assaulting on the head and temple of the deceased and post-mortem report also supports the allegation.



Furthermore, the eye witnesses have stated about throwing of dead body in the pond from where it was recovered.

Perused the records.

Having regard to the facts and circumstances and considering the allegation of assault against this appellant along with other co-accused persons which resulted in the death of the son of the informant and further considering the grave nature of allegation, I am not inclined to enlarge the appellant on bail and the prayer for bail on behalf of the appellant is rejected and hence the impugned order requires no interference and the same is sustained.

However, the learned Trial Court is directed to expedite the trial and conclude the same within a period of nine months.

(Arun Kumar Jha, J)

Gautam/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.08.2022
Transmission Date	23.08.2022

