

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4423 of 2021

Arising Out of PS. Case No.-372 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Ankit Kumar, Son of Subedar Rai, R/o village- Koshi Colony, P.S.- K. Hat,
District- Purnea under the guardianship of his father Subedar Rai

... .. Appellant/s

Versus

1. The State of Bihar
2. Seema Devi, Wife of Virendra Uraon, R/o Village- New J.P. Nagar Court
Station Purnea, Ward no. 17, P.S.- K. Hat, District- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N. K. Agrawal, Sr. Advocate
		Mr. Dr. Bidhu Ranjan, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 04-08-2022 It appears that due to inadvertence in order no.4, dated 30.06.2022 “list this matter after receipt of the same on 07.08.2022” has wrongly been typed in place of “list this matter after receipt of the same on 04.08.2022”.

Learned counsel for the appellant is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. N. K. Agrawal, learned senior counsel appearing on behalf of the appellant and learned Spl. PP for the State.

The present appeal under Section 14(A) (2) of the Scheduled Castes/Scheduled Tribes, Prevention of Atrocities



Act, (hereinafter referred to as 'SC/ST Act') has been preferred against the order dated 28.09.2021 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Purnia in connection with Special SC/ST Case No. 94 of 2021, arising out of K. Hat P.S. case no. 372 of 2021 registered for the offences punishable under Sections 364A, 302, 201, 120B/34 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act whereby the prayer for grant of regular bail of the appellant has been rejected.

As per prosecution case, it is alleged that brother of the informant went to circuit house with his nephew on 29.04.2021, but he did not return. In the evening family members started searching, however, in spite of all efforts they could not find out his whereabouts. It is further alleged that in the night at 9.00 P.M. his cousin Navin Uraon received a call by one Ashok Paswan and he told the victim Anil Uraon to manage Rs.10,00,000/- and thereafter the mobile switched off. The aforesaid allegation resulted into registration of F.I.R.

Learned senior counsel appearing on behalf of the appellant submits that F.I.R. has been instituted against unknown, however, the name of the appellant has surfaced on the confessional statement of one Dulari Khatoon and the dead



body of the deceased was recovered on the confession of co-accused Md. Sakib and Chunmun Jha. It is next submitted that save and except the confession made by co-accused persons, there is no other material, which suggest the involvement of the appellant in the present crime. It is next submitted that co-accused Dulari Khatoon has already been granted bail by a learned coordinate Bench of this Court in Cr. Appeal (SJ) No. 3311 of 2021 vide order dated 24.03.2022. It is lastly submitted that neither the money of ransom nor any other incriminating material has been recovered from the possession of this appellant and moreover he is in custody since 27.05.2021.

On the other hand, learned Special Public Prosecutor appearing on behalf of the State opposes the prayer for bail of the appellant and submits that the dead body of the deceased was recovered on the confessional statement of co-accused Md. Sakib and Chunmun Jha and co-accused Dulari Khatoon also confessed that Rs.10,00,000/- ransom was demanded and Rs.5,00,000/- lakh was to be given to her, however, all the money has been kept by this appellant. It is next submitted that co-accused Md. Sakib and Cunmun Jha have also confessed that this appellant along with his nephew went to bring the ransom amount and after two hours they came with Rs.10,00,000/-.



Even during the course of investigation, the nephew of the appellant also confessed that the entire ransom amount has been received by this appellant. Learned Spl. P.P. also submits that the vehicle, which was said to have been used in the crime has also been recovered in the front of the house of the appellant.

Having regard to the submissions made on behalf of the parties and considering the materials available on record, which have been collected during the course of investigation suggesting the involvement of the appellant, this Court is not persuaded to enlarge the appellant on bail.

Accordingly, the present appeal preferred against the impugned order dated 28.09.2021 stands dismissed.

It is expected that the learned trial court will take all necessary and sincere endeavour to conclude the trial as early as possible.

(Harish Kumar, J)

uday/-

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

