

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4465 of 2021

Arising Out of PS. Case No.-214 Year-2021 Thana- SIKARPUR District- West Champaran

RAMJAN ANSARI S/o Najir Ansari Resident of Village - Barawa,
Bishunpur, P.S.- Shikarpur, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-03-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned counsel for the appellant undertakes to remove the defects as pointed out by the office, within four weeks of resumption of normal court functioning. In the eventuality of non-removal of defects within stipulated period, the office will place the matter before the Bench.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 05.10.2021, passed by learned Additional District & Sessions Judge 1st -cum- Special Judge (SC/ST), Bettiah, West Champaran, in connection with Shikarpur P.S. Case



No.214/2021, registered under sections 302, 201/34 of the IPC and sections 3(ii)(v) SC and ST (Prevention of Atrocities) Act.

The allegation against the appellant is that he along with other accused persons has kidnapped and killed the minor son of the informant and thrown the dead body in a field.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case due to ulterior motive and enmity. There is no eye-witness to the alleged occurrence and there is no motive for the appellant to murder a child. During investigation, no independent witness supported the prosecution case. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The identification of the accused travelling on a motorcycle, in the night is completely absurd. It is doubtful that the informant has identified the accused in the night with child but did not rush to the police or the villagers to get help. The appellant has no criminal antecedent and has been languishing in custody since 17.08.2021.

Learned Spl. PP for the State opposed the prayer for bail by submitting that the post-mortem report fully corroborated the



prosecution case.

In the facts and circumstance of the case, considering the seriousness of the offence, I am not inclined to enlarge the appellant on bail. The prayer for bail of the appellant is rejected.

The appeal stands dismissed.

However, learned trial court is directed to expedite the trial.

(Anjani Kumar Sharan, J)

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