

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4650 of 2021

Arising Out of PS. Case No.-303 Year-2020 Thana- DIGHWARA District- Saran

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1. Amarjeet Kumar @ Amarjit Ray Son of Ravindra Rai Resident of Village- Paguaha Kuraicha, P.S.- Dighwara, District- Saran at Chapra.
 2. Pradeep Rai Son of Seo Rai Resident of Village- Paguaha Kuraicha, P.S.- Dighwara, District- Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandrama Paswan son of Late Sheo Paswan Vill- Kuraicha (Pagurahan), PS.- Dighwara, District- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nawal Kishore Singh, Advocate.
For the Respondent/s	:	None.
For the Respondent No.2:	:	Mr. Nanil Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 07-07-2022 Learned counsel for the Appellants is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Nawal Kishore Singh, learned counsel for the Appellants and Mr. Nanil Kumar, learned counsel for the respondent no. 2. No-one appears on behalf of the State.

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 08.10.2021 passed by the learned 1st Additional Sessions Judge-



cum- Special Judge SC/ST (POA) Act in connection with Dighwara P. S. Case No. 303 of 2020 registered for the offences punishable under Sections 302, 201 read with 34 of the Indian Penal Code.

The prosecution case is based on the *fardbayan* of respondent no. 2, alleging therein that on account of some dispute regarding transaction of money all the F.I.R. named accused persons including the appellants threatened to kill his son. It is further alleged that on the call of the accused persons the son of the informant went from his house but he did not return and after two days, the informant found his dead body, there were various injury marks over the body of the deceased.

Learned counsel appearing on behalf of the Appellants submitted that from the F.I.R., it is evident that the informant has only raised a suspicion and in fact, he was not sure on whose call he went out from his house in the morning of 10.12.2020 but did not return and his dead body was found on 12.12.2020 but in the meantime, no complaint has been filed. It is also submitted that there is no eye-witness to the alleged occurrence. However, during the course of investigation, co-accused Jitesh Rai was apprehended and his confession has been recorded by the Police and he disclosed the name of the



appellants and others. It is next submitted that the appellants have fair antecedents and they are in custody since 28.09.2021 and 27.09.2021 respectively.

On the other hand, learned counsel for the respondent no. 2 vehemently opposes the present appeal and submits that there is specific allegation that the appellants and others have called upon the deceased and thereafter, his dead body was found to be brutally murdered by them.

Having considered the submissions made on behalf of the parties and taking into account the fact that there is no eye-witness to the alleged occurrence and save and except the suspicion and the confessional statement of one of the co-accused persons there is no other material, which suggests the complicity of the appellants in the present case, apart from that the appellants have clean antecedent and are in custody since 27.09.2021 and 28.09.2021 respectively and moreover, the investigation of the crime is already completed and the charge-sheet has been submitted, let the appellant, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions-cum-Special Judge SC/ST Act, Saran at Chapra in connection with



Dighwara P. S. Case No. 303 of 2020.

In view of the aforesaid fact, the impugned order dated 08.10.2021 is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

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