

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.335 of 2023

Arising Out of PS. Case No.-42 Year-2022 Thana- AANDAR District- Siwan

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1. AMAR SINGH SON OF JAYNATH SINGH R/O VILLAGE- BHARAULI, P.S.- ANDAR, DISTRICT- SIWAN
 2. ARJUN SINGH SON OF JAYNAM SINGH R/O VILLAGE- BHARAULI, P.S.- ANDAR, DISTRICT- SIWAN

... .. Appellant/s

Versus

1. The State of Bihar
2. DIPA DEVI WIFE OF LATE SANJAY KUMAR GOND R/O VILLAGE AND P.O.- BHARAULI, P.S.- ANDAR, DISTRICT- SIWAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Bhushan Verma
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

6 15-05-2023 Heard the learned counsel for the appellants as well as the learned Special PP for the State.

The appellants are seeking regular bail in connection with Andar P.S. Case No. 42 of 2022, registered for the offences punishable under Sections 302, 120B of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(2) (va) SC/ST (POA) Act.

As per allegation, when the husband of the informant was returning to his house, he received a call and after receiving that call, he went from his house by a motorcycle. Since then, he became traceless. On the next day, the informant received an



information that the dead body of her husband was lying in an orchard. She rushed there and identified his dead body. She has stated further that co-accused Nagendra Singh, Upendra Singh, Rajesh Singh, appellants Arjun Singh and Amar Singh, in a deep conspiracy, had murdered her husband. She has also mentioned that prior to some days of the occurrence, her husband had made complaint against appellant Arjun Singh and other co-accused persons, due to which they had vendetta against the deceased and it was the reason that they murdered her husband.

The learned counsel for the appellants has submitted that they are innocent and have falsely been implicated in this case. The provisions of SC/ST Act is not attracted and the witnesses have stated that the appellants were not involved in the occurrence.

On the other hand, the learned Special PP and the learned counsel for the informant have opposed the prayer for bail and submitted that some days prior to the occurrence, the appellants and other accused persons had threatened the deceased to kill since he had made complaint against them in the SC/ST Police Station, which transpires from paragraph no. 48 of the case diary. They have submitted further that Shekhar Jha, though initially was a prosecution witness, but later on, his



complicity was also figured. Shekhar Jha was friend of the deceased and he had taken money from the relatives of the deceased for sending them to abroad, but he didn't stand to his words. The deceased was asking him to return the money, as such, he had also complicity in murder of the deceased.

During investigation, it has emerged that the appellants and other accused persons had threatened the deceased since he had filed a complain in the Police Station against the appellants and other accused persons and after sometime, he was killed.

In my view, the appellants do not deserve the privilege of bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

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