

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.106 of 2023**

Arising Out of PS. Case No.-269 Year-2021 Thana- GUTHANI District- Siwan

RAJU SINGH @ RAJU RAY Son of Ashok Singh Resident of Village-
Jhanjhore, P.S.- Guthani, District- Siwan (Bihar) Pin Code- 841435

... .. Appellant/s

Versus

1. The State of Bihar
2. Phulmala Devi Wife of Late Dinesh Manjhi Resident of Village- Jhanjhore,
P.S.- Guthani, District- Siwan(Bihar) Pin Code No.-841435

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dilip Kumar

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 25-04-2023 Heard the learned counsel for the appellant as well

as learned counsel for the informant and also heard the learned

Spl.P.P.

This appeal has been preferred on behalf of the
appellant under Section 14-A(2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act for setting aside
the order dated 11.11.2022, passed by the learned Court of First
Additional Sessions Judge-cum-Special Court, Siwan in
connection with Guthani P.S. Case No. 269 of 2021, registered
for the offences punishable under Sections 302, 120(B), 34 of
the Indian Penal Code & Section 3(2)(v) of SC and ST
(Prevention of Atrocities) Act and Section 27 of Arms Act,



whereby the prayer for bail of the appellants has been rejected.

As per allegation, the accused persons who were in ambush caught hold of the son of the informant and the appellant fired six round of shots at his head sustaining injuries he died. The reason for occurrence is that accused persons were making pressure on the deceased to withdraw the earlier case lodged against the appellant but he was not ready.

The learned counsel for the appellant has submitted that the members of informant side were *bataidar* of the appellant and some dispute arose between them and it was the reason for false implication. As a matter of fact, the family of the appellant has settled in Kolkata, West Bengal. As such, there is no occasion for them to commit murder of the deceased. He has also submitted that in supervision note it has come that other persons might have killed the deceased.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that the appellant brutally murdered the deceased by firing six round of shots at his head. As per post-mortem report, the deceased has received fire shot injury on his head. He has also submitted that the appellant is a person of criminal antecedent.

Considering the above-mentioned facts and



circumstances, I don't think it to be a proper case for grant of bail. Accordingly, it is rejected.

(Nawneet Kumar Pandey, J)

Sudha/Sonali

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