

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.615 of 2024

Arising Out of PS. Case No.-209 Year-2023 Thana- GAUNAHA District- West Champaran

NARESH RAM @ NARESH KUMAR RAM S/O ROAN RAM @ ROHAN
RAM @ ROVAN RAM R/O VILLAGE- SINGHASANI TOLA, P.S-
SAHODARA, DISTT.- WEST CHAMPARAN.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RITA DEVI W/O HARILAL RAM R/O VILLAGE- RESIDENT OF
SINGHASNI TOLA, P.S- SAHODARA, DISTT.- WEST CHAMPARAN,
BIHAR.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Kumar Gupta, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-04-2024 1. Heard learned counsel for the appellant, Mr.
Sadanand Paswan learned Spl.P.P. for the State and learned
counsel appearing on behalf of the respondent no. 2.

2. 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 regular bail vide order
dated 08.01.2024 in B.P. No. 4754 of 2023 passed by the
learned 1st Additional Sessions Judge-cum-Special Judge SC/ST,
West Champaran at Bettiah in connection with Gaunaha P.S.
Case No. 209 of 2023 registered under Sections 302, 201 and
120(B)/34 of the Indian Penal Code as well as Section 3(2)(v) of



the SC/ST Act.

3. Learned counsel for the appellant submits that appellant is a person with clean antecedent and has been falsely implicated in the present case by the respondent no. 2 based on suspicion. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the respondent no. 2 alleges that her husband, on 01.11.2023 after having meal, had gone for discharging his duty of plumber but did not return and in the evening at 06:00 p.m. an alarm was raised that dead body of the husband of the respondent no. 2 is lying in a sugarcane field, accordingly, the respondent no. 2 reached the place of occurrence and saw the dead body of her husband lying who was strangled to death and blood was coming out of his eye. It is next alleged that husband of the respondent no. 2 was having dispute with Vijay Sah and Santosh Sah since 2016 for which Sahodra P.S. Case No. 60 of 2016 was instituted and they were pressurizing the deceased to settle the dispute, thus, alleges that her husband was killed by them in conspiracy by the named accused persons including the appellant.

4. Learned counsel for the appellant submits that respondent no. 2 is not an eyewitness to the occurrence and the



entire allegation hinges around suspicion. It is further submitted that during the course of investigation, the statement of the brother of the deceased was recorded by the police wherein he stated that his younger brother was in relationship with one Anjali Devi, wife of Vinod Uroan, thus, submits that the occurrence might have been committed in some other manner and the respondent no. 2 based on suspicion implicated the appellant. It is next submitted that Santosh Sah, Vijay Sah, Ajay Sah and Arjun Sah had moved this Court seeking anticipatory bail by filing Cr. Appeal (SJ) No. 541 of 2024. The appeal of Vijay Sah and Arjun Sah was permitted to be withdrawn while Santosh Sah and Ajay Sah were granted the privilege of anticipatory bail. It is thus submitted that the case of the appellant is on much better footing than Santosh Sah and Ajay Sah. It is further submitted that appellant is in custody since 04.11.2023.

5. Learned Special Public Prosecutor and learned counsel for the respondent no. 2 opposed the prayer for bail but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that the entire allegation hinges around suspicion.

6. Considering the submissions made by the learned



counsel for the appellant, let the appellant, above named, be released on bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with the aforesaid case.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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