

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1265 of 2024

Arising Out of PS. Case No.-206 Year-2018 Thana- SAHAR District- Bhojpur

Ritesh Ray @ Ritesh Rai Son of Suryanaran Ray Resident of vill.-Nadhi, P.S.-
Sahar, Distt.-Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Niru Kant Kumar Son of late Ramakant Rai Resident of vill.-Nadhi, P.S.-
Sahar, Distt.-Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ravindra Kumar, Adv. Mr. Shrinath Manjhi, Adv. Mr. Sandeep Kumar Pandey, Adv.
For the informant	:	Mr. Rahul Nath, Adv. Mr. Sanjay Kumar, Adv.
For the State	:	Mrs.Usha Kumari 1, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 11-07-2024 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail of the appellant vide order dated 19.12.2023 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST Act), Bhojpur at Ara in connection with SC/ST Case No. 204 of 2018 arising out of Sahar P.S. Case No. 206 of 2018 dated 27.08.2018 registered for the alleged offences punishable



under Section 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(1)(r)(s)/ 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, the co-accused, Vikesh Rai fired on the informant's father which hit his back. When the father of the informant fell down, the petitioner fired from his country made pistol on the chest resulting into death of the informant's father. After committing the crime, both the accused persons fled away from the spot.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. It is further submitted that there is no allegation of abusing against the appellant hence, no offence under provisions of SC/ST Act is made out against the appellant. No incriminating article has been recovered from the conscious possession of the appellant. It is further submitted that the appellant has no concern with the alleged offence. Learned counsel has further submitted that out of 11 witnesses, the I.O. was not examined in this case. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 29.07.2021.



5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant and submitted that the specific allegation of firing on the informant's father is against the appellant due to which he sustained injury in his chest and died on the spot. Which gets support of the P.M. report.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the appellant, I am not inclined to enlarge the petitioner above-named on bail.

7. Learned trial court is directed to expedite the trial and conclude the same preferably within a period of 6 months.

8. The application stands rejected.

(Chandra Prakash Singh, J)

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