
Ram Nath Ram Vs State Of Bihar

Criminal Appeal (SJ) No. 4794 Of 2021

Court: Patna High Court

Date of Decision: Aug. 11, 2022

Acts Referred:

Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 " Section 3(i)(s), 3(2)(v), 3(2)(va), 14A(2)#Indian Penal Code, 1860 " Section 34, 120B, 201, 302, 376

Hon'ble Judges: Arun Kumar Jha, J

Bench: Single Bench

Advocate: Alok Kumar Alok, Usha Kumari 1

Final Decision: Allowed

Judgement

Heard learned counsel for the appellant and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical

removal of defect.

Interlocutory Application has been filed for condonation of delay in filing the instant appeal. For the reasons mentioned in the Interlocutory Application,

the delay is condoned and the limitation petition is allowed.

This is an appeal under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of

prayer for bail vide order dated 23.02.2021 passed by the learned Special Judge SC/ST, Muzaffarpur in connection with Piar P.S. Case No. 168 of

2020 registered for the alleged offences under Sections 376, 302, 201, 120(B)/34 of the Indian Penal Code and under Sections 3(i) (s) w(i) (ii), 3(2)(v)

(va) of the Scheduled Cast and Scheduled Tribes Act.

As per prosecution case, the Sister-in-law of the informant was allegedly murdered by Sonu Kumar and his father Satan Rai and three to four

unknown persons as recorded in fardbeayn of the informant. Later on, during investigation the fact came to the knowledge that this appellant along

with other co-accused persons murdered the sister-in-law of the informant.

Learned counsel for the appellant submits that the appellant has been falsely implicated in this case. He was not named in the FIR and he is the

maternal uncle of the deceased. There is no direct evidence to connect this appellant to the alleged occurrence. The police submitted the final form

against the FIR named persons and refused to investigate the matter against them. None of the witnesses during investigation, named the appellant for

any wrong doing still on the basis of forced confession of this appellant, he was made accused in this case. Charge sheet has been submitted in this

case and the appellant is in custody since 16.12.2020.

Learned APP opposes the prayer for bail of the appellant submitting that during investigation, the name of the appellant transpired as a person who

along with the co-accused persons killed the sister-in-law of the informant. The appellant confessed to his crime and post-mortem report is also

showing that the deceased died to asphyxia caused by antemortem strangulation. Later on by the police found out the activities of appellant to be quite

suspicious.

Perused the records.

Considering the facts and circumstances and having regard to the submission made hereinabove and the fact that the appellant was not named in the

FIR and later on his name surfaced on the basis of his confessional statement and also distinct lack of substantive material against him on record, and

also considering his period of custody as well as submission of charge sheet in this case, the appellant above named is directed to be released on bail

on furnishing bail bond of Rs. 20,000/-(twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST

Act, Muzaffarpur in connection with Piar P.S. Case No. 168 of 2020, subject to the following conditions :

(i) One of the bailors will be a close relative of the appellant.

(ii) The appellant will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by

the court concerned.

Hence, the impugned order is set aside and the appeal is allowed in terms of the above noted order.