

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2680 of 2017

Arising Out of PS.Case No. -34 Year- 2017 Thana -BARIYARPUR District- MUNGER

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1. Nandlal Mandal, son of late Mahadeo Mandal,
2. Kanhai Mandal @ Kanhaiya Kumar @ Kanhai Kumar Mandal, Son of
Nand Lal Mandal, Both resident of Village- Ghorghat, P.S. Bariyarpur,
District- Jamui.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Ajit Kumar Singh, Adv.

For the Respondent/s : Mr. Smt Usha Kumari No-1, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 20-02-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned Additional Sessions Judge-I, Munger in connection with Bariyarpur P.S.Case No. 34 of 2017 registered under Sections 147, 148, 149, 323, 324, 325, 307, 302, 448, 504, 506 of the Indian Penal Code as well as under Sections 3(1)(X) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, the appellants and others assaulted to the informant as well as to his wife, as a result whereof, wife of the informant died during course of



treatment.

Submission of the learned counsel for the appellants is that the case diary would reveal that the appellants were not present at the time of occurrence. A witness has specifically stated that other named persons had caused injury to the victim. The Doctor has not found any external injury as per the postmortem report.

On the other hand, learned counsel for the informant submits that other eye witnesses have supported that the appellants were also involved in commission of assault which resulted in death and at this stage for the purpose of anticipatory bail, the eye witness cannot be disbelieved only on the basis of opinion of the Doctor.

Considering the entire facts, in my view also, this is not a fit case for anticipatory bail. Hence, this appeal against refusal of the prayer for anticipatory bail has got no merit.

Accordingly, it stands dismissed.

(Birendra Kumar, J)

Nitesh/-

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