

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2206 of 2018

Arising Out of PS. Case No.-185 Year-2017 Thana- MAHKAR District- Gaya

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1. Shivdhar Prasad son of Basudev Prasad.
 2. Awadhesh Kumar son of Vilas Prasad.
 3. Dhirendra Kumar son of Vilas Prasad. All are resident of Village- Naili, Police Station- Mahkar, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No-2, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date : 01-11-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 24.02.2018 passed by learned Exclusive Special Judge (SC/ST Act), Gaya, in A.B.P. No. 36 of 2018, arising out of Mahkar Police Station Case No.185 of 2017, registered under Section 302 of the Indian Penal Code and Sections 3(i)(r)(s)/2(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the appellants assaulted to the



father of the informant as a result whereof he died during the course of treatment.

The case-diary would reveal that some of the witnesses have supported the allegation of commission of assault by the appellants and others to the deceased; whereas some others have stated that the deceased had extra-marital relation with a lady in the family of Ashok Mahto, which was witnessed by some villagers and being afraid of that father of the informant jumped out of a roof; as a result whereof he sustained injury and died.

Learned counsel for the appellants submits that there is unexplained delay of 15 days in lodging the FIR only after death of the victim. No statement of the victim has been recorded at any point of time. At the earliest brother of the deceased has also supported the fact that deceased died by fall on hard substance.

Considering the entire facts of the case especially the fact that the witnesses, who have supported the occurrence in the FIR, cannot be disbelieved at this stage. Hence, I am not inclined to enlarge the appellants on anticipatory bail.



Accordingly, the appeal stands dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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