

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.474 of 2019

Arising Out of PS. Case No.-665 Year-2018 Thana- PURNEA SADAR District- Purnia

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MOHIT CHAUDHARY S/o Damodar Chaudhary Resident of Milanpara,
Ward No.41, P.S-Sadar, District-Purnea

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Dr. Bidhu Ranjan
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

8 16-07-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 09.01.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Purnea in connection with SC/ST P.S. Case No. 193 of 2018 (arising out of Sadar P.S. Case No.665 of 2018) registered under Sections 302 & 201 of the Indian Penal Code and Section 3(2) (v) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant, following some quarrel with the son of



the informant arriving at the house of the informant extended threatening of dire consequences to his son on the day of Diwali and subsequently on the day of Chhath brother of the appellant, namely, Mohan Choudhary took his son with him but he did not regress rather his dead body was found on the bank of the river.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to animosity. As per the F.I.R. the only allegation against the appellant is extending threatening and dire consequences to the deceased over some brawl. He has not taken the deceased from his house and there is no eye witness of the occurrence.

Per contra, learned Spl. PP for the State opposing the prayer for bail submitted that the appellant had extended threatening of dire consequences to the son of the informant arriving at her house on the day of Diwali and subsequently on the day of Chhath he took the deceased from his house and committed his murder. Appellant was last seen with the deceased. Though the informant in his fardbeyan has stated that brother of the appellant Mohan Choudhary took the deceased from his house on the day of Chhath but number of witnesses in paras-7, 8, 12 & 13 of the case diary have unanimously stated



that it is the appellant who have taken the deceased from his house on the day of Chhath and also extended threatening of dire consequence to the deceased on the day of Diwali. He further submitted that appellant has criminal antecedent as three more criminal cases have been lodged against the appellant. Hence, the appellant does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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