

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1664 of 2019

Arising Out of PS. Case No.-456 Year-2018 Thana- NAWADA District- Nawada

CHHOTU GUPTA @ CHHOTE LAL GUPTA Son of Arjun Prasad, Resident
of Village-Buchchi, Police Station-Nardiganj, District-Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Ranjan
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

5 03-07-2019 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 referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 14.03.2019 passed by learned Additional Sessions Judge-I-cum-Special Judge, Nawada in connection with Nawada P.S. Case No. 456 of 2018, registered under Sections 363, 365/34 of the Indian Penal Code and subsequently Section 364, 302, 201 and 120 (B) of the Indian Penal Code and also under Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellant is said to have taken the father of the informant on Bolero on the pretext of holding Panchayati and eliminated his father in collusion with the other co-accused persons.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics. There is no eye witness of the occurrence. There is nothing on record indicating the complicity of the appellant in the occurrence barring the confessional statement of appellant and co-accused Vivek Kumar and Saurabh Suman @ Dr. Saurabh Suman before the police which has no evidentiary value in the eyes of law. The said Vivek Kumar has been enlarged on bail by this Court passed in Criminal Appeal (SJ) No. 1198 of 2019 vide order dated 23.05.2019 while accused Saurabh Suman @ Dr. Saurabh Suman has been enlarged on bail by coordinate Bench of this Court passed Criminal Appeal (SJ) No. 691 of 2019 vide order dated 28.03.2019 respectively. Appellant has been languishing in custody since 11.7.2018.

Learned Spl. P.P. for the State vehemently opposing the prayer for bail submitted that appellant has taken the



deceased from his house on the pretext of holding Panchyati and committed his murder in collusion with the other accused persons. Appellant was last seen with the deceased and the case of the appellant differs from the rest of the accused persons, so the appellant does not deserve bail.

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

(Prakash Chandra Jaiswal, J)

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