

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3158 of 2019**

Arising Out of PS. Case No.-69 Year-2019 Thana- CHANDI District- Nalanda

Raju Choudhary Son of Late Doman Choudhary Resident of Village - Satnag,
P.S.- Chandi, Dist.- Nalanda

... .. Appellant/s

Versus

1. The State Of Bihar
2. Arvind Kumar Son of Chhotu Paswan Resident of Village - Satnag, P.S.-
Chandi, Dist.- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bindeshwar Prasad Singh Mr. Rudra Deo
For the Respondent/s	:	Mr. Sadanand Paswan

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

ORAL ORDER

4 21-10-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail vide order dated 24.06.2019 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, Nalanda at Biharsharif in Chandi P.S. Case No. 69 of 2019 registered under Sections 302/34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Brother of the informant is said to have opposed vending of liquor by Mantu Gop. Whereupon, Mantu Gop had



entered into scuffling with him and extended threatening of dire consequence on 22.02.2019 and on the same day around 7:00 PM, all the four named accused persons including Mantu Gop took his brother with them and his dead body was found on 23.02.2019 hanging from the tree.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. There was no altercation between the deceased and the appellant of any sort preceding to the occurrence. He has been falsely implicated in this case due to dirty village politics. As a matter of fact, the deceased was feeble minded person and always used to quarrel with his wife and family and committed suicide by hanging himself from the tree. Earlier to the case under hand, U.D. case was lodged without naming the appellant in the occurrence. Appellant has been languishing in custody since 25.02.2019 hence, he may be enlarged on bail.

Per contra, learned Spl. P.P. for the State opposing the bail prayer of the appellant submitted that number of witnesses have unanimously stated that there was altercation between the deceased and the appellant and other accused persons over vending liquor by them and all the four named accused persons including the appellant took the deceased with



them and his dead body was found on the following day. Thus, the appellant was last seen with the deceased and death of the deceased has occurred in the close proximity of taking the deceased by the appellant and others, hence, the appellant does not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Accordingly, his prayer is rejected and the appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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