

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4088 of 2019

Arising Out of PS. Case No.-115 Year-2019 Thana- BIKRAM District- Patna

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Lalu Kumar @ Lalu Singh Son of Jangli Singh @ Fani Bhushan Singh @
Funny Bhushan Kumar Resident of Village- Sihi, P.S.- Dulhin Bazar, District-
Patna at Present Village- Karsha, P.S.- Bikram, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ramakant Sharma, Sr. Adv

Mr. Amresh Kumar, Adv

Mr. Lakshmi Kant Sharma, Adv

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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

ORAL ORDER

4 20-11-2019 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 anticipatory bail
vide order dated 20.08.2019 passed by learned Addl. Sessions
Judge-XIII-cum Special Judge, SC/ST Act, Patna in Bikram P.S.
Case No. 115 of 2019 registered under Sections 147, 148, 149,
341, 323, 354(a)(b), 307, 302, 365 of the Indian Penal Code and
Section 3(i)(r)(s)(w)(I)/3(2)(va) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

Over row of changing tempo, the driver of the



former tempo, namely, Lalu Kumar called his associates and all the five named accused persons including co-accused Jangli Singh along with 6-7 unknown miscreants assaulted the informant and her husband by means of lathi. Her husband succumbed to injury during the course of treatment in the PMCH.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics. Allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no independent eyewitness of the occurrence. Occurrence is said to be of 06.04.2019 but the fardbeyan has been recorded on 11.04.2019 after inordinate delay of five days and the FIR was sent to court concerned on 15.04.2019 i.e. after three days of the registration of the case indicating the said FIR ante dated and lodged after due deliberations, which creates serious doubt about the prosecution case. There were altogether 12 accused persons present at the place of occurrence but, doctor has found besides some abrasions, only one head injury on the person of the deceased which proved fatal. Assailant of the said injury is not ascertained, hence, the appellant may be enlarged on bail.



Learned Spl. PP for the State opposing the bail prayer of the appellant submitted that the appellant is named in the FIR and he is also having a criminal antecedent, hence, he does not deserve anticipatory 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.

However, appellant is directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order in accordance with law considering the facts and circumstances of the case without being prejudiced by this order.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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