

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4595 of 2019**

Arising Out of PS. Case No.-231 Year-2019 Thana- BANIAPUR District- Saran

SHANKAR RAM Son of Feku Ram Resident of Village- Pithauri, P.S.
Baniyapur, Distt.- Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Singh, Adv
For the Respondent/s : Mr.Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT**

Date : 28-11-2019

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 18.09.2019 in A.B.P. No.2853 of 2019 passed by the learned Addl. District and Sessions Judge 1st/Special Judge, SC/ST, Saran, Chapra in connection with Baniyapur P.S.Case No. 231 of 2019 registered under Sections 147,148,149,341,323,302,504,506 of the Indian Penal Code as well as under Sections 3(i)(s) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, the appellant and several named and unknown person committed murder of three person including of brother of the informant who had gone alongwith two other deceased-Raju Nut and Bidesh Nut.



Submission of learned counsel for the appellant is that the perusal of whole case diary would reveal that there is no eye witness of the occurrence rather the witnesses have stated before the police that they heard from the villagers that the appellant and others had committed the murder of three person.

The case diary does not reveal that the police had examined the villagers nor there is mention that none of the villagers claimed to have seen the occurrence. For lapses on the part of police, prosecution case cannot be disbelieved at this stage.

Hence, considering the seriousness of the nature of allegation against the appellant, I am not inclined to enlarge the appellant on anticipatory bail. Prayer is refused.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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