

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1367 of 2020

Arising Out of PS. Case No.-6 Year-2020 Thana- BUNIYAD GANJ District- Gaya

Surendra Prasad Son of Sri Bhagwat Prasad Resident of Village - Gabri Par,
Manpur, Pohani, P.S.- Buniyadganj, District - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramakant Sharma, Sr. Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-09-2020 Heard Mr. Rama Kant Sharma, learned senior counsel
for the appellant and Mr. Sadanand Paswan, learned A.P.P.
appearing for the State through video conferencing.

This appeal is directed against the order dated
06.03.2020 passed in A.B.P. No. 69 of 2020 arising out of
Buniyadganj P.S. Case No. 06 of 2020 registered under Section
302 / 34 of the I.P.C. and Section 3 (i) (r) (s) / 3 (2) (v-a) of the
S.C. / S.T. Act by learned Exclusive Special Judge, S.C. / S.T.,
Gaya whereby the prayer for anticipatory bail of the appellant
has been rejected.

The allegation against the appellant as per the First
Information Report is that the brother of the informant was
working in the power loom factory owned by the appellant as a
labour and there was dues of wages of the brother of the



informant for about 7 months and when the brother of the informant along with the informant went to demand the wages, it was denied by the owner of the power loom factory i.e. the appellant. It has further been alleged that in the meanwhile the son of the owner along with other accused persons assaulted the brother of the informant by means of iron rod, leading to his death. It has also been alleged that accused persons called the deceased by his caste name as such, they have committed offence under the SC / ST Act also.

Learned senior counsel for the appellant submits that appellant has falsely been implicated in this case due to village politics. Learned senior counsel further submits that even if the F.I.R. is taken on its face value, the deceased was allegedly called by his caste name not in full public view. Learned senior counsel further submits that the allegation of assault is not upon the appellant, but is upon the co-accused. Learned senior counsel further submits that fardbyan was recorded on 18.12.2019 but F.I.R. was sent to the learned Magistrate after un-explained delay on 08.01.2020.

Having regard to the submission made by the parties and taking into consideration the materials available on record, I do not find any infirmity in the order dated 06.03.2020 passed



by learned Exclusive Special Judge S.C. / S.T., Gaya in A.B.P.
No. 69 of 2020 arising out of Buniyadganj P.S. Case No. 06 of
2020.

Accordingly, this appeal is rejected.

However, if the appellant prefers application for
regular bail before the competent court, the same may be
considered on its own merit without being prejudiced to the
order passed by this court.

(Anil Kumar Sinha, J)

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