

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5439 of 2019

Arising Out of PS. Case No.-252 Year-2019 Thana- DHAMDAHA District- Purnia

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SURAJ JHA @ SURAJ MISHRA @ SURAJ KUMAR MISHRA S/o Ramesh
Mishra Resident of Village- Kukraun No.1, P.S.- Dhamdaha, District- Purnia.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bidhanesh Misra

For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 07-01-2020

By way of this memo of appeal, preferred under Section 14(A)(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, appellant seeks for setting aside the order dated 05.11.2019, passed in Dhamdaha P.S. Case No. 252 of 2019 for the offences punishable under Sections 364/34, 302, 201, 120(B) of the Indian Penal Code and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act, by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Purnia, whereby and whereunder, appellant's application for grant of anticipatory bail has been rejected.

Allegation as per F.I.R. is that the appellant and other accused persons taken away the husband of the informant, thereafter, he did not return and it appears later on his dead body was recovered.

It has been submitted on behalf of the appellant that save and except that appellant was last seen with the deceased, there is



absolutely nothing against him. Appellant is a journalist and has falsely been made accused in this case, whereas, the deceased was a hardened criminal and he might have been murdered in some other manner.

Learned Special P.P. as well as learned counsel for the informant opposed the prayer for anticipatory bail. Learned counsel for the informant has submitted that the deceased was not carrying any criminal antecedent. Further submission is that the appellant and others took the husband of the deceased and, thereafter, his dead body was recovered and, therefore, he does not deserve the privilege of anticipatory bail.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the appellants, however, this appeal is disposed of with direction to the appellant to surrender before the court below and pray for regular bail and if any such application is filed, the court below shall dispose of the same on the merit of the case, without being prejudiced by the order of this Court

(Vinod Kumar Sinha, J)

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