

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1773 of 2020

Arising Out of PS. Case No.-136 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

CHANDAN KUMAR Son of Umesh Sahni Resident of Village- Ismailpur,
P.S.- Hajipur Sadar, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Javed Aslam
For the Respondent/s	:	Ms. Usha Kumari
For the informant	:	Mr. Ravish Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-01-2021 Heard the learned counsel for the appellant,

Ms. Usha Kumari, the learned Spl.P.P. for the State and Mr.

Ravish Kumar, the learned counsel for the informant.

The present appeal has been preferred under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as “the Act, 1989”) against the refusal of prayer of anticipatory bail vide order dated 01.07.2020, passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST Act, Hajipur, Vaishali in anticipatory bail petition no. 859 of 2020, arising out of Hajipur Sadar PS case no. 136 of 2020 under Sections 302/34 of Indian



Penal Code and 3(2)(v)(a) of SC/ST Act.

The case of the prosecution in brief according to the informant is that on 21.02.2020 at about 1 pm in the day time, the deceased brother of the informant had gone with his friends to the fair, whereafter the brother of the informant had told his friends that he had some urgent work at his home and he wanted to return back to his village, whereupon, he had boarded a boat belonging to one Binod Sahani, on which some other accused persons including the appellant were also sitting. It is further alleged that the said persons might have killed the brother of the informant on account of some money dispute.

The learned counsel for the appellant has submitted that the appellant is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted by the learned counsel for the appellant that there is delay in lodging of the F.I.R. inasmuch as the date of occurrence is 21.02.2020 whereas the FIR has been lodged belatedly only on 25.02.2020. It is also submitted that there is no eye-witness to the alleged occurrence and the appellant has been roped in the present



case on account of previous enmity.

The learned counsel for the informant has submitted that the inquest report and post mortem report show that the deceased has been murdered in a gruesome manner, hence atleast the present case is not a fit case for grant of anticipatory bail.

Per contra, the learned Spl.PP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, I do not find the present case to be a fit case for grant of anticipatory bail, hence the present appeal stands dismissed.

(Mohit Kumar Shah, J)

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