

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1925 of 2020

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

PRABHAT KUMAR PATHAK @ PRABHAT PATHAK @ GUDDU
PATHAK S/o Ishwar Dutt Pathak @ Chaman Pathak Resident of Village-
Bishanpur, P.S.-Dhamdaha, District-Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prashant Kashyap
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-01-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State.

The present appeal has been filed against the order dated 26.06.2020 passed by learned 1st Additional District and Sessions Judge cum Special Judge (SC/ST Act), Purnea in connection with Dhamdaha P.S. Case No. 252/2019 registered for the offences punishable under Sections 364/34/302/201/120B of the Indian Penal Code and Sections 3(2)(V) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, this appellants along with others co-accused persons took the husband of the informant on



the pretext of Panchyati and, thereafter, dead-body of her husband was recovered. Hence, it is suspected that the appellant along with co-accused have committed murder of husband of the informant.

It is submitted on behalf of the appellant that, save and except suspicion, there is nothing against this appellant. Appellant was on litigating terms from before. It is further submitted that co-accused Umesh Ram has already been granted bail by this Hon'ble Court vide order dated 20.02.2020 passed in Cr. Appeal (SJ) No. 5197 of 2019.

However, learned Special P.P. appearing on behalf of the State vehemently opposed the bail application and submitted that co-accused Umesh Ram has been granted bail because he also belongs to Scheduled Caste whereas the appellant is on a different footing and further submitted that prayer for bail of two other similarly situated co-accused, namely, Suraj Jha and Digamber Thakur have been rejected vide order dated 07.01.2020 passed in Cr. Appeal (SJ). No. 5439 of 2019 and 18.02.2020 passed in Cr. Appeal (SJ) No. 5037 of 2019 respectively.

Considering the aforesaid facts and circumstances as well as nature of allegation, I am not inclined to grant bail to



this appellant. It is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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