

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1985 of 2020

Arising Out of PS. Case No.-257 Year-2020 Thana- DIGHA District- Patna

VISHAL KUMAR @ MONTI aged about 28 years Son of Shri Mohan Kumar Resident of Village - Narayanpur, Manpur, P.O. and P.S. - Manpur, District - Gaya at present residing at Mohalla - Makhdumpur, P.O. - Digha Ghat, P.S. - Digha, District - Patna.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr. Shri Prakash Srivastava, Advocate
For the Respondent : Mr. S Paswan, Spl PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-03-2021 Heard learned counsel for the appellant and learned Special P.P. for the State.

The present appeal has been filed for setting aside the order dated 17-08-2020 passed by learned A.D.J.-VIII cum Special Judge, SC/ST Act, Patna in Digha Police Station Case No. 257 of 2020 registered for the offence punishable under Section 302 of the Indian Penal Code and Sections 3(ii)(v) of the SC/ST Act, whereby prayer for anticipatory bail of appellant was rejected.

As per the prosecution case, on 09.05.2020 when brother of the informant Ganesh Paswan was sitting near Ganga river, accused persons including the appellant, all named in the F.I.R., brutally assaulted him and threw him in the drainage. Dead body of the brother of the informant was recovered on



12.5.2020.

It is submitted on behalf of appellant that appellant is not named in the FIR. There is no eye witness to the occurrence. Petitioner is student of BA Part II. Appellant has got no criminal antecedent as stated in paragraph 3 of the appeal.

However, learned Special P.P. has opposed the appeal and submitted that during course of investigation, the informant and other witnesses have stated that the appellant and other accused persons indulged into marpit with the victim and when he rushed to his house to save himself, accused persons came there and assaulted him and threw him in the drainage whose dead body was recovered later on.

Considering the nature and gravity of the allegation, I do not find any ground to interfere with the order of the learned court below and as such, the appeal, which has been filed for grant of anticipatory bail, is hereby rejected with direction to the appellant to surrender and seek regular bail.

(Prabhat Kumar Singh, J)

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