

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.458 of 2021

Arising Out of PS. Case No.-16 Year-2018 Thana- MUSRIGHRARI District- Samastipur

Nunnu Choudhary @ Aditya Kumar Shandilya Son Of Late Shiv Nath Choudhary Resident of Village -Rupuali, P.S.- Mushrigharari, Distt.- Samastipur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sandip Kumar with Mr.Arvind Kumar, Advocates
For the State	:	Mr. Sadanand Paswan Spl PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 18-03-2021

Heard Mr. Sandip Kumar learned counsel for the appellant and learned Spl PP for the State.

2. Learned counsel for the appellant is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so.

3. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,1989 against the refusal of prayer for regular bail vide order dated 22/09/2020 passed by learned Additional District and Sessions Judge-1st-cum-Special Judge SC/ST Act, Samastipur in Mushrigharari PS Case No. 16 of 2018



registered under Sections 302 and 201/34 of the Indian Penal Code, Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act.

4. The allegation is that the informant's brother has been taken away by one Shambhu Choudhary brother of the appellant on the pretext of settling some monetary dues. Subsequently, one day later, the dead body of the brother of the informant has been found hanging from a tree in the orchard of the appellant.

5. Mr. Sandip kumar learned counsel for the appellant, submits that in the course of investigation, the fact that the orchard belongs to the appellant has become doubtful. It is further submitted that it is a case of false implication. The FIR has been lodged by brother of the victim who, at the time of occurrence, was pursuing his livelihood in another State. The First Information report, is lodged after delay and received in the Court much later. This cast suspicion on the entire prosecution case, and under such circumstances, the appellant, having no criminal antecedent, is stated to be in custody since 13.09.2020.

6. The learned Spl PP has opposed the prayer for bail. It is submitted that the victim was lastly taken away by the brother of the appellant. The dead body has been recovered hanging from his orchard. Delay or lapse by the police in not lodging the FIR in



respect of recovery of dead body of the victim due to unnatural death cannot inure to the appellant’s benefit.

7. Considering the rival submissions, this Court is not inclined to grant bail to the appellant. Prayer for bail made on behalf of the appellant is rejected.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
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