

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.265 of 2021**

Arising Out of PS. Case No.-240 Year-2019 Thana- SONBERSA District- Sitamarhi

RAJU KUMAR @ RAJ KUMAR, Son of jai Kishore Mahto @ Jay Kishor
Singh R/o Village - Musharnia, P.S. - Sonbarsa, District - Sitamarhi.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Jha
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-07-2021 Heard Mr. Ashok Kumar Jha, learned Advocate

for the appellant and Mr. Santosh Kumar, learned

counsel for the informant. The State is represented by

Mr. Sadanand Paswan, learned Special Public Prosecutor.

The appellant has challenged the order, dated

19.10.2020, passed by the learned 1st Additional

Sessions Judge cum Special Judge, Sitamarhi, in

connection with ABP No. 1396 of 2020 / 176 of 2020,

arising out of Sonbarsa P. S. Case No. 240 of 2019,

whereby the prayer made on behalf of the appellant for

grant of anticipatory bail for the offences punishable

under Sections 341, 323, 109, 302 and 34 of the Indian



Penal Code and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

It has been alleged in the F.I.R. that the brother of the informant was shot dead by one Bablu Kumar. The appellant also has been named as one of the members of the mob.

The learned counsel for the appellant has submitted that though he has been named in the F.I.R. but there is no specific accusation against him. The act of firing is attributed to Bablu Kumar. There was some dispute with respect to use of *Chhath Ghat* and in the process, one person has been killed.

The learned counsel for the appellant has also argued that Bablu Kumar had some dispute with the deceased. But so far as the appellant is concerned, he is in no way connected with the offence or with the offender and the deceased.

However, regard being had to the fact that the



appellant was one of the accused persons, from amongst whom one, namely, Bablu Kumar fired from his weapon, killing the brother of the informant before his eyes, I am not inclined to interfere with the order refusing to grant anticipatory bail to the appellant.

The appeal is dismissed.

Should the appellant surrender before the court below and seeks bail, the grounds argued on behalf of the appellant shall be considered in its correct perspective and an order shall be passed, without being prejudiced by the fact that the present petition on his behalf has not been entertained by this Court.

(Ashutosh Kumar, J)

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