

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.743 of 2021

Arising Out of PS. Case No.-163 Year-2020 Thana- KALYANPUR District- East Champaran

RAMESH PRASAD @ RATNESH PRASAD, S/o Late Ajit Lal Sah Resident
of Pipara Khem, P.S.- Kalyanpur, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Priyanka Singh

For the Respondent/s : Mr. Anil Kumar

Mr. Surya Prakash

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 02-09-2021 Heard Mr. Ajay Kumar Thakur, learned

Advocate for the appellant and Mr. Binay Krishna,

learned Special Public Prosecutor for the State.

The appellant has challenged the order, dated

01.10.2020, passed by the learned Additional Sessions

Judge 1st cum Special Judge, SC/ST Act, Motihari, East

Champaran, in connection with ABP No. 1975 of 2020,



arising out of Kalyanpur P. S. Case No. 163 of 2020, whereby the prayer made on behalf of the appellant for grant of anticipatory bail for the offences punishable under Sections 147, 148, 149, 323, 324, 325, 326, 307, 302, 504, 506 and 427 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is of the brother of the informant having been killed at the hands of the accused persons including the appellant. So far as the appellant is concerned, he is said to have pierced a sharp cutting weapon in the body of the deceased.

The learned counsel for the appellant has submitted that the accusation is absolutely false.

Only because of political dispute, he has been made accused in this case. The appellant had been successfully contesting election of *Mukhiya* for the last three terms but in the present election, he had lost by a



slender margin of 300 votes.

This case has been set up by the successful candidate in the election. The deceased may have died in another transaction but taking advantage of his death, the appellant has been made accused in this case.

He further submits that his plea of alibi has not been taken into account by the court below and that the specific / detailed account given in the F.I.R. regarding the individual conduct of the accused persons makes the F.I.R. highly suspicious. The occurrence is said to have taken place at about 10 o'clock in the night and without any means of identification, it was difficult to assign each and every accused person with specific overt act including the one on the appellant. He further submits that the seizure list precedes the F.I.R.

The abusive language used for the deceased and his family members is also said to have been uttered in the stealth of the night and therefore it would not attract the mischief of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The post-mortem report also does not corroborate the accusation against the appellant of having pierced the *Gupti* in the body of the deceased.

On these grounds, it has been urged that the accusation is absolutely false.

The learned Special Public Prosecutor, however, has stated that in view of specific accusation against the appellant of having waylaid the informant and having managed to attack and kill him, the appellant does not deserve to be enlarged on anticipatory bail.

He further submits that the appellant has been made accused in as many as 10 cases. In some of the cases, he may have been granted bail or he may have been acquitted but such number of cases against him discloses that the appellant does not have a fair antecedent.

Regard being had to the nature of accusation against the appellant and his tainted background, I am



not inclined to interfere with the order passed by the court below in refusing to grant anticipatory bail to the appellant.

This appeal is dismissed.

(Ashutosh Kumar, J)

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