

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1413 of 2021

Arising Out of PS. Case No.-122 Year-2020 Thana- THAWE District- Gopalganj

HARI KISHOR PRASAD son of late Babulal Prasad Resident of Village-
Gopalpur, P.S- Thawe, Dist- Gopalganj

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Ranjan
For the informant : Mr. Saurav Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-08-2021 Heard learned counsel for the appellant and the State
through virtual mode.

The matter relates to grant of anticipatory bail to the appellant in connection with Thawe P.S. Case No. 122 of 2020 registered for the offences under Sections 147, 148, 149, 341, 323, 307, 504, 506 & 325 of the Indian Penal Code and Sections 3(1)(r)(s) /3(2)(v) of the SC/ST (Prevention of Atrocities) Act. Later on, Section 302 of the Indian Penal Code was also added.

Allegation on the issue of demanding wages, the dispute arose and in consequence thereof, the accused persons abused the informant's husband and on protest, he was assaulted, as a result of which, he sustained injuries. It is also alleged that while others came to rescue the informant, they were also assaulted. Later on, the informant's husband died in course of the treatment.

It has been submitted on behalf of the appellant that the



appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. The allegation, made in the FIR is denied by the appellant. The alleged occurrence has not taken place within the public view. Hence, the provisions of SC/ST Act is not attracted in this case.

On behalf of the State, it is submitted that the appellant is named in the Complaint Case/F.I.R. The appellant is said to have given a lathi blow on the head of the deceased. The appellant is the assailant. The postmortem report corroborates the allegation made in the FIR.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to the appellant. Accordingly, his prayer for anticipatory bail is rejected.

If the appellant surrenders in the court below and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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