

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.230 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- BHANGWANPUR HAT District- Siwan

AMIT KUMAR @ AMIT MAHATO S/o Rahul Mahato @ Tuntun Mahto
Resident of Village- Paniya Dih, P.S.- Bhagwanpur Hat, District- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Awadesh Ram Son of Late Babulal Ram Resident of Village- Ratan Padauli Tiwari Tola, P.S.- Bhagawanpur Hat, District- Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.P. Singh
		Mr. Rakesh Mohan Singh,
For the Respondent/s	:	Ms. Usha Kumari-1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-10-2022 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 16.11.2021 passed by learned Additional Sessions Judge-1st -cum-Special Judge SC/ST (POA) Act, Siwan in ABA No. 1620 of 2021 whereby the prayer for bail of the appellant in connection with Bhagwanpur Hat P.S. Case no. 102 of 2021 under Sections 302/341 of the Indian Penal Code and section 3(2)(v) of SC/ST (Prevention of Atrocities Act) Act was rejected.

Allegation against the appellant is of abusing the informant, his son and his brother by taking their caste name and on protest, seven accused persons including the appellant assaulted to informant's brother as a result of which he received head injury and



in way to hospital, he succumbed to injuries.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. There is no specific overt act against the appellant. The appellant has no intention to disgrace the image of the informant in public view.

The application for bail is vehemently opposed by learned counsel for the informant and learned Spl. P.P. for the State and submitted that appellant along with other accused persons have killed the brother of the informant. Several witnesses have supported the prosecution story in para nos. 14, 15 and 16 of the case diary. Postmortem report shows cause of death due to hemorrhage.

Having heard learned counsel for the parties and taking into consideration the fact that appellant was involved in murder of the informant's brother, I do not find it appropriate to grant anticipatory bail to the appellant and, as such, his prayer for anticipatory bail is rejected.

The application stands disposed off.

(Sunil Kumar Panwar, J)

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