

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1106 of 2022**

Arising Out of PS. Case No.-138 Year-2018 Thana- AGIAON District- Bhojpur

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Gautam Kumar Son Of Shravan Rai @ Ram Sharan Sharma Resident Of
Village - Agaiaon, P.S.- Agiaon In The District Of Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Kumar Late Lalan Ram R/o vill- Agion P.S.- Agian Dist- Bhojpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar, Advocate

For the Respondent/s : Mr. Usha Kumari 1, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-12-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor and perused the case diary.

The present appeal is directed against the order dated
14.03.2022 passed by learned Ist Additional Sessions Judge
(Incharge), Bhojpur at Ara in a case registered for the offence
punishable under Sections 302/34 of the Indian Penal Code and
Sections 3(i)(r)(s)/3(2)(v) of the SC/ST, Act whereby
anticipatory bail of the appellant has been rejected.

Allegedly, it is a case of murder of the father of the
informant by the appellant along with other accused persons.

It is submitted by learned counsel for the appellant
that the appellant has falsely been implicated in this case and
there is no specific allegation against the appellant.



Learned Special Public Prosecutor has opposed the prayer for anticipatory bail of the appellant and submitted that the father of the appellant succumbed to injury who belongs to SC/ST community. In the opinion of doctor, the cause of death is due to injury in vital structures of body (brain, lungs, bones, spleen) leading to haemorrhage and shock and death due to hard and blunt substance. The wife of the deceased in para-8 of the case diary as well as other witnesses have supported the case of the prosecution. He further submits that the instant anticipatory bail application is not maintainable because the offence is under SC/ST Act.

After considering the aforesaid facts, I am not inclined to grant anticipatory bail to the appellant.

Prayer for anticipatory bail of the appellant is rejected.

Accordingly, the instant appeal is hereby dismissed.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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