

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3704 of 2021

Arising Out of PS. Case No.-120 Year-2021 Thana- WARISNAGAR District- Samastipur

Tribhuj Giri Son of Chandeshwar Giri Resident of Village- Kishanpur
Baikunth Hayaghat, Warisnagar, P.S.- Warisnagar, District- Samastipur, Bihar-
848133.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Apurva Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-06-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 17.08.2021 passed by learned Ist Additional Sessions Judge, Samastipur in connection with Warisnagar P.S. Case No. 120 of 2021 under Section 302 and other allied sections of the Indian Penal Code, section 3(i)(v), 3(ii)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and sections 25(1-b)a, 26, 27 and 35 of the Arms Act, whereby the prayer for anticipatory bail of the appellant was rejected.

Prosecution case in brief is that this appellant along



with other accused persons fired upon the brother of informant (deceased), as a result of which he succumbed to the injuries.

It is submitted on behalf of the appellants there is general and omnibus allegation. There is no eye-witness of the occurrence. No case under SC/ST Act is made out, as the occurrence has not taken place within public view. The deceased died during course of treatment and not on the spot. Appellant has got clean antecedent.

However, counsel for State opposed the prayer for bail and submitted that there is dying declaration of deceased and the deceased named this petitioner as one of the assailants.

Considering the aforesaid facts and circumstances, this court is not inclined to interfere with the order dated 17.08.2021 passed by learned Ist Additional Sessions Judge, Samastipur in connection with Warisnagar P.S. Case No. 120 of 2021.

Accordingly this appeal is dismissed.

(Prabhat Kumar Singh, J)

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