

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4053 of 2021

Arising Out of PS. Case No.-95 Year-2021 Thana- BIBHUTIPUR District- Samastipur

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ARVIND MAHTO Son of Baidyanath Mahto Resident of Village and P.O. -
Samartha, P.S.- Bibhutipur, District - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Deepak Choudhary @ Bala Choudhary Son of Ramsogarath choudhary R/O
village- Kalyanpur North, P.S.- Bibhutipur, District- Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Jay Prakash Sharma
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 04-08-2022 Learned counsel for the appellant is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the appellant, learned Spl.
P.P. for the State and the learned counsel for the informant.

This appeal has been preferred on behalf of the

appellant under Section 14-A (2) of the SC & ST (Prevention of
Atrocities) Act for setting aside the order dated 29.07.2021 in
connection with Bibhutipur P.S.Case No. 95 of 2021, registered
for the offences punishable under Sections 302 and 34 of the
Indian Penal Code and Sections 3(2) (v) of SC and ST
(Prevention of Atrocities) Act, whereby the prayer for



anticipatory bail of the appellant has been rejected.

The deceased Sikandar Kumar Chaudhary is the son of the informant Deepak Chaudhary @ Bala Chaudhary. As per allegation, the deceased, as usual, went to his toddy shop and he slept there. In the morning his dead-body was found hanging with roof. The informant alleged that there was love affair between his son and the daughter of the appellant. The appellant on earlier occasion had threatened the informant by calling his caste name and also asked him to prohibit his son to refrain from developing love and affection with the daughter of the appellant. Due to that vendetta, the appellant along with co-accused Pritam Kumar committed murder of the deceased by hanging him.

Learned counsel for the appellant has submitted that the allegation is false and concocted. It is not a case of homicidal death, rather it is a case of suicide, to which learned counsel for the informant as well as the learned Special P.P. replied that in the entire case diary it has been detected that it was a homicidal death as the foot of the dead-body while hanging, was touching the floor.

Considering the facts and circumstances, the appellant does not deserve the privilege of anticipatory bail. His prayer



for anticipatory bail is hereby rejected.

The appellant is directed to surrender in the court below and make a prayer for regular bail which shall be disposed of by the court below on its own merit without being prejudiced by this order.

Office shall ensure that all the defects are removed by the appellant within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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