

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4247 of 2021

Arising Out of PS. Case No.-249 Year-2021 Thana- KANTI District- Muzaffarpur

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Dhiraj Kumar @ Dhiraj Kumar Singh @ Chintu @ Chintu Singh Son Of Late
Ram Naresh Singh Resident Of Village - Suratpur, P.S. - Kanti, District -
Muzaffarpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Amit Kumar Jha

For the Respondent/s : Mr. Ashutosh Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 25-08-2022 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated
22.07.2021 passed by learned Additional Sessions
Judge-II-cum-Special Judge, SC/ST Act, Muzaffarpur in
connection with Kanti P.S. Case No. 249 of 2021
instituted for the offences punishable under Sections
147, 148, 149, 447, 341, 323, 337, 338, 354, 302,
504, 506 of the Indian Penal Code and Section 3(1)(r)
(s) of the SC & ST (Prevention of Atrocities) Act,
whereby his prayer for being released on anticipatory



bail has been rejected.

It is a case of commission of murder of the husband of informant by all the accused persons including the appellant. It is specifically alleged against this appellant that he made several assault on the chest of the informant by the bricks.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case. The appellant was only a member of the mob and there is general and omnibus allegation against the appellant. Moreover, the informant belongs to caste 'Lohar' which does not come under the purview of SC/ST (POA) Act. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellant. A statement has been made in para 3 of the petition that appellants have no criminal antecedent.

Learned counsel appearing on behalf of the informant as well as learned A.P.P for the State have vehemently opposed the prayer for anticipatory bail of



the appellant and submitted that it is the specific case of the prosecution that this appellant assaulted several times with bricks to the deceased. The postmortem report also suggests that death caused by hard and blunt substance.

Considering the fact that there is direct allegation against the appellant to made assault to the deceased and the postmortem report also corroborates the prosecution version as well as the independent witnesses have supported the prosecution case, this Court is not inclined to grant privilege of anticipatory bail to the appellant.

The prayer for grant of anticipatory bail to the appellant stands rejected.

(Sunil Kumar Panwar, J)

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