

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.996 of 2023

Arising Out of PS. Case No.-305 Year-2022 Thana- PHULWARISHARIF District- Patna

DEEPAK KUMAR S/O LATE AMARNATH SAHU @ AMARNATH R/v-
Chunautiikuan, P.S.- Phulwarisharif, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. KRISHNA CHAUDHARY S/O LATE DHASAI CHAUDHARY R/v- Badi
Khagaul, P.S.- Khagaul, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Shanker Pankaj
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

- 3 18-05-2023 Heard learned counsel for the appellant as well as
learned counsel for the informant.

This appeal has been preferred on behalf of the appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 16.12.2022 passed by the learned Special Judge, SC/ST, Patna in Phulwarisharif P.S. Case No. 305 of 2022, registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code & Section 3(2)(V) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for bail of the appellant has been rejected.

The informant is father of Santosh Chaudhary



(deceased). As per allegation, Santosh Chaudhary had love and affection with Shakuntala Devi (co-accused) and he has solemnized marriage with her. Said Shakuntala Devi had illicit relations with co-accused Md. Saddam and he always used to threaten the deceased to kill him. On 23.03.2022, the dead-body of son of the informant was recovered near water tank. The informant has stated that he has firm belief that Shakuntala Devi, his daughter-in-law and Md. Saddam in deep conspiracy committed murder of his son by stabbing.

The learned counsel for the appellant has submitted that he is not named in the FIR and his name has figured in the confessional statement of co-accused Md. Saddam who has been granted bail by the coordinate Bench of this Court in Cr. APP (SJ) No. 2680 of 2022.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that the appellant and other accused persons Mukesh and Sahil had killed the deceased for consideration money of Rs. 5,000/-. He has stated in his confessional statement that he and Sahil caught hold the deceased and co-accused Mukesh was stabbing the deceased. She has also submitted that bail bond of Md. Saddam has been cancelled on 12.05.2023, as two witnesses having seen



him in dock, fled away from the witness box. It has emerged during investigation that the appellant was present at the spot where the deceased was murdered and his conspiracy and involvement in the alleged occurrence cannot be ruled out.

Considering the above-mentioned facts and circumstances, I do not think it to be a fit case for bail. Accordingly, it is rejected.

(Nawneet Kumar Pandey, J)

Sudha/Sonali

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