

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2009 of 2023

Arising Out of PS. Case No.-380 Year-2022 Thana- DELHA District- Gaya

CHANDAN @ CHANDU @ RAJA Son of Shankar Prasad Resident of
village - Dhaniya Bagicha, P.S. - Delha, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Yashoda Devi Wife of Late Suraj Kumar Resident of village - Dhaniya Bagicha, Barki Delha, P.S. - Delha, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gajendra Kumar Singh
For the Respondent/s	:	Mrs. Usha Kumari I
		Mr. Mahendra Thakur
		Mr. Vijay Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-08-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 24.03.2023 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Delha P.S. Case No.380 of 2022, registered under Sections 302 of the Indian Penal Code and Section 3(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The allegation against the appellant is that he shot the



husband of the informant, who later on died during the course of treatment.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case at the instance of his enemy. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no eye witness to the alleged occurrence. There is inordinate delay of eleven days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case as well as considering the nature of offence, I am not inclined to enlarge the appellant on bail. The prayer for grant of bail on his behalf is hereby rejected.

7. Accordingly, this appeal is dismissed.

8. However, if the appellant surrenders before the learned



Court below within a period of six weeks from today and seek
for regular bail, the learned Court below shall pass the order on
the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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