

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2331 of 2023

Arising Out of PS. Case No.-146 Year-2022 Thana- PANDAUL District- Madhubani

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BHARAT CHAUDHARY SON OF MAHAVIR CHAUDHARY RESIDENT
OF VILLAGE- BAGHI POKHAR, CHAUDHARY TOLE MOHANPUR,
PS- PANDAUL, DISTT- MADHUBANI

... .. Appellant/s

Versus

1. The State of Bihar
2. DILIP KUMAR MAHTO SON OF LATE GANGA RAM MAHTO
RESIDENT OF VILLAGE- RANTI PASINIYA CHOWK, PS-
RAJNAGAR, DISTT- MADHUBANI

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Gagan Deo Yadav, Adv. Mr. Vinod Kumar, Adv. Mr. Ravi Prakash, Adv. Mr. Udeshya Kumar Yadav, Adv. Mr. Rajesh Kumar, Adv.
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.PP. Mr. Bimal Kumar, Adv. Mr. Shailesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 04-10-2023 Heard learned counsels for the parties.

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 14.02.2023 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Madhubani in connection with Pandaul P.S. Case No. 146 of 2022 registered under Sections 302, 201, 34 of the Indian Penal Code and



Section 3(2)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The allegation against the appellant and other accused persons is that they committed murder of the informant's son.

4. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. 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 due to ulterior motive. All the allegations levelled against the appellant is totally false and based on concocted facts. There is no eye witness in the present case. He has been made accused in the present case merely on suspicion. 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 informant opposes the prayer for bail and submits that there was love affair between the deceased and the informant's daughter and a day before the alleged occurrence, an scuffle took place between the parties and therefore, it is suspected that due to the previous enmity, all the accused persons committed murder of the informant's son.



6. Considering nature of the offence as well as materials available in the case diary which indicate the complicity of the appellant in the alleged occurrence, I am not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected.

7. Accordingly, this appeal is dismissed.

8. However, if the appellant surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by the present order.

(Anjani Kumar Sharan, J)

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