

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2337 of 2023

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

Kishore Kumar Chaudhary @ Kishore Chaudhary Son Of Bharat Chaudhary
R/O Village- Baghi Pokhar, Chaudhary Tole Mohanpur, P.S. Pandaul, District-
Madhubani

... .. Appellant/s

Versus

1. The State Of Bihar
2. Dilip Kumar Mahto Son Of Late Ganga Ram Mahto R/O Village- Ranti
Pasiniya Chowk, P.S. Rajnagar, District-Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravi Prakash
For the State	:	Mr. Binay Krishna
For the Respondent	:	Mr. Bimal Kumar
		Mr. Shailesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-10-2023 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the respondent no. 2.

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 Additional
Sessions Judge cum Special Judge, Madhubani, in connection
with Pandaul P.S. Case No. 146 of 2023 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. As per the prosecution case, informant alleged that the appellant along with other co-accused persons have committed murder of his brother and thrown the dead body in the pond.

4. Learned counsel for the appellant submits that the appellant has not concern with the aforesaid occurrence. The allegation levelled against the appellant is not specific rather general and omnibus in nature He submits that there is no specific overt act against the appellants. He further submits that there is no eye-witness in the present case, only on the basis of suspicion appellant has been made accused in the present case. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State and learned counsel for the respondent no. 2 opposed the payer for bail and submitted that the anticipatory bail of the father of the appellant was rejected by this Court and the appellant is also involved in the present case.

6. Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the



appellant on anticipatory bail. The prayer for anticipatory bail of the appellant is hereby rejected.

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

(Anjani Kumar Sharan, J)

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