

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2182 of 2022

Arising Out of PS. Case No.-551 Year-2021 Thana- CHANPATIA District- West Champaran

1. RAJ KUMAR SAH S/o- LATE SHANKAR SAH Resident of Village- Chanpatiya near Station Road, Ward No.10, Police Station- Chanpatiya, District- West Champaran.
2. Aashik Mian @ Unni Miyan S/o Late Habib Resident of Village- Chanpatiya near Station Road, Ward No.10, Police Station- Chanpatiya, District- West Champaran.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Pushpanjali Kumari D/o- Chavishankar Ram Resident of Station Road, Chanpatiya, Police Station- Chanpatiya, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anant Kumar Mishra
For the informant : Mr. Krishna Kant Pandey

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

ORAL ORDER

5 24-01-2023 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard learned counsel for the appellants as well as the learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the appellants under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 13.04.2022 passed by the learned 1st Additional District and Session Judge-cum-Special-Judge



(SC/ST) Bettiah West Champaran registered for offence punishable under sections 147, 148, 149, 302 of the Indian Penal Code and sections 3 (i) (r) (s), 3(ii) (va) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, one Surendra Chaurasia informed the informant that her cousin brother Rupeshwar Chandra has received a telephonic message that the six named accused persons were assaulting Chawishanakar Ram, uncle of Rupeshwar Chandra. The informant along with her elder brother went to the place of occurrence and saw the dead body of his father. The accused persons used to misbehave the deceased, as he was the member of Scheduled Castes.

The learned counsel for the appellants has submitted that the appellants are innocent and the sole eye-witness, Surendra Chaurasia on the basis of telephonic information, the FIR was lodged, who has rendered his statement in paragraph no. 8 of the case diary and he has named only two persons, namely, Munna Yadav and Muslim Devan as assailants of the deceased.

On the other hand, the learned counsel for the informant has submitted that the appellants are named in the



FIR and there is allegation that they had badly assaulted and committed murder of the deceased, as such, they are not entitled for anticipatory bail. He has submitted further that on similar footing, co-accused Rajkumar Sah, S/o Late Shiv Sahu @ Late Shivjee Sahu has been granted regular bail, vide Criminal Appeal (SJ) No. 900 of 2022.

Considering the above-mentioned facts and circumstances, the appellants are directed to surrender before the court below and make a prayer for regular bail.

With these observations, this appeal it is rejected.

Office shall ensure that all defects are removed by the appellants within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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