

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2834 of 2023**

Arising Out of PS. Case No.-195 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

Dijel Tanti@ Dijal Tanti Son of Late Butki Tanti Resident of Village-
Bhawanipur, Police Station- Jagdishpur, District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Manjula Devi Wife of Naresh Das Resident of Village- Bhawanipur, Police
Station- Jagdishpur, District- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Mukherjee
For the Respondent/s	:	Mr.Sadanand Paswan Mr.Shivnandan Bharti, Mr. Pintu Kumar, Mr. Bablu Kr. Mr.Gaurav Kr.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 25-08-2023 **Re. I.A. No. 1 of 2023**

This interlocutory application has been filed for
condoning the delay in preferring the present appeal.

2. For the reasons mentioned in this interlocutory
application, I am satisfied that the appellant was prevented from
sufficient cause in preferring this appeal within time.

3. Accordingly, this interlocutory application (i.e. I.A.
No. 1 of 2023) is allowed and the delay in filing this appeal is
hereby condoned.

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4. This appeal has been filed against order dated
03.02.2023 passed by learned I/c A.D.J.-3rd-cum-Special Judge,
SC/ST Act, Bhagalpur in Jagdishpur P.S. Case No. 195 of 2022



registered for the offence punishable under Sections 302, 120(B) of the Indian Penal Code and Section 3(1)/3(2)/r(s)/(va) of the Scheduled Castes and the Scheduled Tribes (POA) Act (for short “SC/ST Act”), whereby the prayer for anticipatory bail of appellant was rejected.

5. As per prosecution case, all the F.I.R. named accused persons including this appellant and 4-5 unknown persons killed the son of informant by inserting wooden stick in his mouth. It is further alleged that the accused persons also assaulted informant’s son by bricks and rod, on account of which, informant’s son died during course of treatment.

6. Learned counsel for the appellant submits that F.I.R. has been lodged after five days of the occurrence and there is no plausible explanation of delay. Informant is not eye-witness to the occurrence and no one has seen the occurrence. There is general and omnibus allegation.

7. However, learned Special P.P. and learned counsel for the respondent no. 2 vehemently opposed the prayer for bail. It is submitted that from bare perusal of the F.I.R., it is apparent that appellant is named in the F.I.R. and there is specific accusation against this appellant and other co-accused persons that they, after hatching conspiracy, killed the son of informant.



8. Considering the aforesaid facts and circumstances, this Court does not find any merit in this appeal and accordingly, the appeal, which has been filed for grant of anticipatory bail, stands dismissed.

(Prabhat Kumar Singh, J)

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