

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2831 of 2023

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

Ashok Sah @ Ashok Kumar, Son of Mahendra Sah, 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, Advocate
For the State : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 04-09-2023 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State assisted by the learned

counsel for 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 28.04.2023, passed by learned I/c 3rd Additional

Sessions Judge-cum- Special Judge, SC/ST Act, Bhagalpur, in

connection with A.B.P. No. 1082 of 2023, arising out of

Jagdishpur P.S. Case No. 195 of 2022 registered under Sections

302 & 120 B of the Indian Penal Code and Sections 3(1), 3(2)/



(r)(s)(va) of the SC/ST Act.

3. As per prosecution case, all the FIR named accused persons including the appellant and 4-5 other unknown persons assaulted the son of the informant with bricks, rod and stick and inserted wooden stick in his mouth, due to which he died during the course of his treatment.

4. It is submitted by learned counsel for the appellant that the appellant has falsely been implicated in the present case and he has clean antecedent. Learned counsel for the appellant further submits that the FIR has been lodged after delay of five days of the occurrence and there is no plausible explanation of the delay. There is no eye witness to the said occurrence and allegation levelled against the appellant is not specific rather general and omnibus in nature.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 opposed the prayer for anticipatory bail application and submits that ample material in the case diary is against the appellant. It is submitted that there is specific accusation against the appellant and other co-accused persons that after hatching conspiracy, they killed the son of the informant.

6. Learned counsel for the informant further



submits that similarly situated co-accused persons namely Jayram Mandal and Dijel Tanti@ Dijal Tanti bail application have been rejected by the coordinate Bench of this Court vide order dated 02.03.2023 and 25.08.2023 passed in Cr. Appeal (SJ) No. 3875 of 2022 and Cr. Appeal (SJ) No. 2834 of 2023, respectively.

7. In the facts and circumstances of the case as well as submissions of the learned counsel for the parties, I am not inclined to enlarge the appellant on bail. The prayer for grant of anticipatory bail is hereby rejected.

8. Accordingly, this appeal is dismissed.

(Sunil Dutta Mishra, J)

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