

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.955 of 2021**

Arising Out of PS. Case No.-75 Year-2019 Thana- SC/ST District- Muzaffarpur

1. TUNTUN SAH Son of Dhanu Sah Resident of village - Dharampur Ram, P.S.- Sahebganj, District - Muzaffarpur.
2. Banwari Giri Son of Vishwanath Giri Resident of village - Dharampur Ram, P.S.- Sahebganj, District - Muzaffarpur.
3. Manish Sah @ Manish Kumar Son of Rajendra Sah Resident of village - Dharampur Ram, P.S.- Sahebganj, District - Muzaffarpur.
4. Raju Sah @ Raju Kumar Sah Son of Rajendra Sah Resident of village - Dharampur Ram, P.S.- Sahebganj, District - Muzaffarpur.
5. Mannu Kumar @ Manu Giri Son of Mahgu Bharti Resident of village - Dharampur Ram, P.S.- Sahebganj, District - Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad

For the Respondent/s : Ms. Usha Kumari 1

Mr. Praveen Kumar

Mr. Mayank Manvendra

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

ORAL ORDER

3 01-02-2023 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the appellants as well as the learned Spl.P.P. for the State.

This appeal has been preferred on behalf of the appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 28.09.2020 passed by the learned Additional



Sessions Judge-III-cum-Special Judge, SC/ST, Muzaffarpur in A.B.P. No. 1323 of 2020 arising out of SC/ST P.S. Case No. 75 of 2019, registered for the offences punishable under Sections 147, 341, 323, 324, 307, 504, 506 of the Indian Penal Code & Section 39 (i)(r)(s) and 2(va) of the SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation in the year 2018, the accused persons committed murder of son of the informant in respect whereof Sahebganj P.S. Case No. 425 of 2018 was lodged. The accused persons were making pressure upon the informant to compromise that case. On denial, they assaulted the informant and also abused him by calling his caste name.

Learned counsel for the appellants has submitted that the appellants have falsely been implicated due to previous enmity between the parties.

From bare perusal of the FIR, it shows that earlier the accused persons had committed murder of son of the informant. The matter is still pending and the appellants and other accused persons were attempting to tamper with the evidence influencing the informant to which he denied and they assaulted him.



In my view, it is not a fit case for anticipatory bail.
Accordingly, it is rejected.

Office shall ensure that all defects are removed by the
appellant within the stipulated time provided in para-1
hereinabove, failing which the matter shall be brought to the
notice of this Court.

(Nawneet Kumar Pandey, J)

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