

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3714 of 2023**

Arising Out of PS. Case No.-299 Year-2023 Thana- BIHAR District- Nalanda

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Akshay Kumar Son Of Anil Ram @ Anil Dom Resident Of Village Mohalla
Bhaisasur Kachari Road Bihar P.S District Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Kiran Devi Wife of Late Rajendra Ram Resident of Sadar Hospital Sarkari
Quarter Bihar Sharif, P.S. - Bihar, Distt. - Nalanda

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjay Prasad
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has
informed that in compliance of the order dated 23.08.2023, he
has informed the informant/complainant but none is present on
his/her behalf.

3. This is an appeal under section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST
Act’) against the refusal of prayer for bail vide order dated
13.07.2023, passed by learned 3rd Additional Sessions Judge-
cum-Special Judge (SC/ST Act), Nalanda in connection with



Bihar P.S. Case No. 299 of 2023, registered under Sections 302/34 of the IPC and Sections 3(i) (r) (s), (u)/3 (2) (va) of SC/ST Act.

4. Appellant along with other accused persons are said to have committed murder of the son of the informant.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that there is no specific overt act against the appellant. He submits that there is general and omnibus allegation levelled against the appellant. He submits that there is no eye witness to the occurrence and only on the basis of suspicion he has been made accused in this case. He submits that in the entire case diary only one witness, who is relative of the informant, has supported the prosecution case. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

5. However, learned APP for the State opposes the prayer for bail and submits that two days prior to the occurrence the appellant had threatened the deceased of dire consequences, hence, he does not deserve anticipatory bail.

6. Considering the nature of offence, I am not inclined to enlarge the appellant on bail. Accordingly, his



prayer for anticipatory bail is rejected in connection with Bihar
P.S. Case No. 299 of 2023.

(Anjani Kumar Sharan, J)

devendra/-

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