

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3820 of 2023

Arising Out of PS. Case No.-78 Year-2023 Thana- DHANSOI District- Buxar

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1. Shivjee Ram Son Of Ramashankar Ram R/O Village- Chapatahi, P.S.- Dhansoi, Dist.- Buxar
 2. Madan Ram Son Of Late Keshare Ram R/O Village- Chapatahi, P.S.- Dhansoi, Dist.- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajanikant Ram Son Of Late Satyanarayan Ram R/O Village- Chapatahi, P.S.- Dhansoi, Dist.- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rang Nath Choubey
For the Respondent/s	:	Mr. Binay Krishna
For the Respondent no. 2:	:	Mr. Arum Kumar Gupta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-11-2023 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the 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 18.07.2023 passed by learned Additional Sessions Judge-I-cum-Special Judge SC/ST (POA) Act and Children Court, Buxar, in connection with Dhansoi P.S. Case No. 78 of 2023 registered under Sections 147, 148, 149, 341,



323, 504, 506 and 302 of the Indian Penal Code and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The informant alleged that all the nine F.I.R. named accused persons including the appellants entered into the house of the informant variously armed with lathi, danda and iron rod and they started searching the father of the informant inside the house and when they did not find the father of the informant then they returned from there after locking the house of the informant from outside. Thereafter, the informant got the informant that his father was killed by someone.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. He submits that there is eye witness in the present case, only on the basis of suspicion appellants has been made accused in the present case. He further submits that no SC/ST case is made out against the appellants because both the parties belongs to the same community. Appellant no. 1 has one criminal antecedent and appellant no. 2 has two criminal antecedents as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no. 2 opposed payer for bail and



submitted that the wife of the informant is the eye-witness in the present case, it is clear from the case diary. Hence, they do not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case, I am not inclined to enlarge the appellants on anticipatory bail. The prayer for anticipatory bail of the appellants is hereby rejected.

7. However, if the appellants surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

anand/-

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