

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4013 of 2023

Arising Out of PS. Case No.-113 Year-2021 Thana- HASANPUR District- Samastipur

KRISHNA KUMAR SAH SON OF KARI SAH RESIDENT OF VILLAGE
-DHAVOLIYA (DHOBLIYA) PS -HASANPUR DISTRICT -SAMASTIPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. CHANDRA SHEKHAR RAM SON OF LATE ASARFI RAM RESIDENT
OF VILLAGE -DHAVOLIYA, PS -HASANPUR DISTRICT
-SAMASTIPUR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sarbottam Kumar Sarkar, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 08.09.2023, he informed the informant to appear in the present appeal through his counsel, but nobody appears on his behalf.

3. 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 07.08.2023 passed by learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Hasanpur P.S.



Case No. 113 of 2021 registered under Sections 120(b), 302/34 of the Indian Penal Code and Section 3(i) (r) (s) /3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the accused persons are said to have committed murder of the informant's son and threw his dead body in the pond.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. Appellant have been falsely implicated in the case due to ulterior motive. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant was not named in the FIR. His name has been transpired in the present case merely on the confessional statement of apprehended co-accused persons. It is further submitted that co-accused Rakesh and Ranjit have been acquitted by the learned trial court. Similarly situated co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 06.09.2023 in Criminal Appeal (SJ) No. 959 of 2023. Appellant has no criminal antecedent.

6. Learned Special P.P. for the State opposed the prayer



for bail and submitted that there is sufficient evidence against the petitioner in the case diary. He relied upon the judgment of the Apex Court in the case of *Indresh Kumar v/s. The State of UP & Anr.* reported in Criminal Appeal No. 938 of 2022.

7. Considering the nature of the offence, I am not inclined to enlarge the appellant on bail. The prayer for bail of the appellant is hereby rejected.

(Anjani Kumar Sharan, J)

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