

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4093 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- PARSABAZAR District- Patna

SURAJ KUMAR @ DADA SAHIB @ SURAJ KUMAR RAI SON OF
SHREE SANJAY RAI RESIDENT OF VILLAGE - _____, P.S. -
BHELDI, DISTRICT - SARAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. GAURAV KUMAR SON OF LATE PREM KUMAR RESIDENT OF
VILLAGE - PAKRI PUNPUN, P.S. - PUNPUN, DISTRICT - PATNA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Niraj Kumar, Adv. Mr. Nalin Kumar, Adv. Ms. Saloni Sinha, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-12-2023 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 11.10.2023, he informed the complainant 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 12.07.2023 passed by learned Exclusive Special Judge (SC/ST Act), Patna in connection with Parsa



Bazar P.S. Case No. 04 of 2023 registered under Sections 302, 120(B), 34 of the Indian Penal Code, Section 27 of Arms Act and Section 3(2)(s), (v)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the FIR, the allegation against the appellant and other co-accused is that they committed murder of the informant's father, namely, Prem Kumar.

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. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation levelled against the appellant is totally false and based on concocted facts. He is not named in the FIR. His name has been transpired in the present case in course of investigation on the basis of the confessional statement of apprehended co-accused Vikash Kumar. There is no eye witness in the present case. Appellant has one criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail and submitted that there is serious allegation against the appellant that he along with other accused persons fired upon



the deceased and the postmortem report of the deceased has also supported the prosecution case. Hence, he does not deserve privilege of anticipatory bail.

7. In the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected.

8. Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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