

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3881 of 2022**

Arising Out of PS. Case No.-166 Year-2021 Thana- TISIAUTA District- Vaishali

ANURAG KUMAR S/O Rakesh Chaudhary Resident of village- Bijhnauli,
P.S.- Tisiauta, District- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. AKALI DEVI W/O JAGDESHWAR RAM Resident of village- Shahpur,
P.S.- Tisiata, District- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rohit Kumar, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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

ORAL ORDER

4 28-03-2023 Heard learned counsel for the appellant as well as the
learned Special Public Prosecutor 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, 1989 for setting aside the order dated 29.09.2022 passed by the learned Special Judge, SC/ST Act, Vaishali at Hajipur registered for offence punishable under sections 366/302/34 I.P.C. and 3(1)(r)(s) of SC/ST (Prevention of Atrocities) Amendment Act 2015, whereby the prayer for bail of the appellant has been rejected.

The informant Akli Devi is mother of Kiran Kumari (deceased). She lodged the FIR with an allegation that on



20.12.2021, at about 7 P.M., Kiran Kumari went out to ease herself, therefrom the petitioner along with Rakesh Chaudhary, Manoj Chaudhary and Anshu Kumar and other 5-6 unknown persons kidnapped her daughter. They also abused her by calling her caste name and threatened the informant to kill when she raised hue and cry. Next day, when the informant went to the house of co-accused Manoj Chaudhary, he assured them that they would return her daughter within two days. When she went to *darwaja* of Manoj Chaudhary, he abused her and drove her away. On 26.12.2021, at about 12 P.M. the dead body of her daughter was recovered from a water body.

Learned counsel for the appellant has submitted that he is innocent and has falsely been implicated. The FIR was lodged after 6 days of the occurrence. He has also submitted that, as per allegation, the deceased was traceless from 20.12.2021, but the CDR shows that there was some conversation from her mobile till 24.12.2021. He has also submitted that the supervising authority without any evidence has mentioned that the petitioner was in love and affection with the deceased. He has further submitted that on similar footing co-accused Anshu Kumar has been granted bail by a Coordinate Bench of this Court.



On the other hand, learned Spl.P.P, has submitted that the case of the present appellant is not similar to the co-accused Anshu Kumar who has been granted bail by a Coordinate Bench of this Court in Cr. Appeal (SJ) No. 1329 of 2022, since there was no conversation with Anshu Kumar and deceased prior to her death. Whereas, during investigation it was detected that the deceased was in conversation with the appellant and this fact has been emerged in page No. 99 of the case diary. He has also submitted that there was conversation between the mobile number of the deceased and the mobile number of the appellant.

During investigation, it has been detected that the petitioner was in conversation with the deceased prior to her death. As per the supervision note, the appellant was in love and affection with the deceased. The investigation is still continuing.

In my view, the appellant does not deserve the privileges of bail. Accordingly, it is rejected.

(Nawneet Kumar Pandey, J)

SONALI/Sudha

U		T	
---	--	---	--

