

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4041 of 2022

Arising Out of PS. Case No.-534 Year-2021 Thana- ALAMGANJ District- Patna

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NAGA @ SONU S/o Manikchand Prasad R/o Arfabad Beldar Tola, P.S.-
Alamganj, Distt- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Renu Devi W/o Late Jaggu Chaudhary R/o Mohalla- Gudd ki Mandi, P.S.-
Alamganj, Distt- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Manoj Kumar Singh, Adv.
For the State	:	Mr. Binay Krishna, SPP.
For the Informant/s	:	Mr. Tribhuwan Narayan, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 04-05-2023 1. Learned counsel appearing for the appellant,

learned SPP appearing for the State and learned counsel for the

informant are present and they are heard in respect of the prayer

for bail made by the appellant in the memo of appeal.

2. The instant appeal has been filed under Section
14(A)(2) of SC/ST (Prevention of Atrocities) Act, 1989 against
the order dated 08.09.2022 passed by the Court of learned
Exclusive Special Court, SC/ST Act, Patna in connection with
Special Case No. 236/2021 arising out of Alamganj P.S. Case
No. 534/2021 registered for the offences punishable under
Sections 302 and 120B/34 of the Indian Penal Code, Section 27
of Arms Act and Section 3(2)(va) of SC/ST Act whereby and
whereunder the appellant's prayer for bail has been rejected.



3. The main submissions advanced by learned counsel appearing for the appellant are that the FIR has been registered by the deceased's wife and she claimed herself to be an eye-witness of the alleged occurrence but in fact, she is not the eye-witness of the alleged occurrence which is clearly evident from her restatement and the appellant's entire family members have been made accused in this case and the informant improved her version in her restatement and falsely implicated some relatives of the appellant as an accused whose names she did not disclose in the FIR which shows falsity of the allegations levelled by her. Further submissions are that in between the prosecution party and the appellant, enmity is an admitted fact, due to which the appellant and his family members have been falsely roped in this case and all the witnesses examined during investigation, are relatives of the informant and most of the co-accused persons have been granted bail.

4. Learned counsel for the informant has vehemently opposed the bail prayer of the appellant and submitted that there is specific allegation against the appellant and he was one of the main assailants, who committed murder of the informant's husband and prayer of co-accused Balli Kumar @ Balliya carrying similar nature of allegation has been rejected by a co-ordinate Bench of this Court vide order passed in Cr. App (SJ)



No. 3098/2022.

5. Learned SPP appearing for the State has also opposed the bail prayer and submitted that the order impugned has been rightly passed and the appellant does not deserve to the privilege of bail.

6. Heard both the sides and perused the FIR, order impugned and case diary of this case. The appellant is named in the FIR and he has criminal antecedents of four cases as per the statement made in para 3 of the memo of appeal and in the FIR, there is specific allegation against him and he and co-accused Balli Kumar @ Balliya fired at the informant's husband indiscriminately, which resulted in the death of the informant's husband and the said allegation have been supported by the material witnesses during investigation and enmity in between both the parties is an admitted fact, in my opinion the appellant does not deserve to the privilege of bail and the order impugned has been rightly passed and I find no force in the present appeal.

7. In result, the instant appeal stands rejected.

(Shailendra Singh, J)

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