

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.728 of 2023

Arising Out of PS. Case No.-297 Year-2022 Thana- ALAMGANJ District- Patna

ANUP PRASAD @ ANUP KAHAR S/o Late Jamun Ram R/o Neem ki Bhatthi, Nala Par, P.S.- Alamganj, Distt- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kallu Paswan S/o Yogendra Paswan R/o Neem ki Bhatti, Vishwakarma Mandir, Near to Nala, P.S.- Alamganj, Distt- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhimanyu Deo
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 8 18-11-2024 1. Heard learned counsel for the appellant and learned Additional Public Prosecutor for the State.
2. An order, dated 06.01.2023, passed by learned Special Judge SC/ST Act, Patna, in ABP No. 3929 of 2022, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Alamganj Police Station Case No. 297 of 2022 registered for the offence under Sections 302/323/506/120(B)/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3 (2)(va) of the Schedule



Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that one Deepu Chaudhary threatened the informant that his brother will die soon and later on co-accused Lallu Sah assaulted informant's brother, who used to work with him. On 06.04.2022, when the informant's brother went out to buy medicine, the informant, after some time, heard sound of bullet, consequently, he went out and saw that his brother was lying down and five persons, including the appellant, fled away giving threat to the informant. Subsequently, the informant's brother was taken to the hospital where during the course of treatment he died.
4. Learned counsel for the appellant submits that the appellant is innocent and he has falsely been implicated in the present case due to ulterior motive and village politics. He next submits that the appellant has been implicated only on the basis of conjecture and surmise as the dispute was between the informant's brother and one Lallu Sah and the appellant has nothing to do with it. He further submits that allegation of firing upon informant's



brother is not on the appellant, as such, SC/ST Act does not attract against him.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and gravity of offence and the fact that appellant is named in the FIR, accordingly, I am not inclined to grant the petitioner privilege of anticipatory bail.
6. This appeal is, accordingly, rejected and the order, dated 06.01.2023, passed by learned Special Judge, SC/ST Act, Patna, in ABP No. 3929 of 2022, affirmed.

(Anil Kumar Sinha, J)

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