

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.998 of 2024

Arising Out of PS. Case No.-317 Year-2023 Thana- NAUGACHIA District- Bhagalpur

Vishwamani Das @ Vishmani Das @ Harendra Kumar Vishwamani SON OF
Ravindra Kumar Das @ Ravindra Das Village- Tetari Ward No.4 PS-
naugachia Dist -Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Amit Kumar Das Son Of Late Saheb Das Resident Of Village- Athania, Ps-
Kharik, Dist- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kamal Kumar Sinha, Advocate
For the Respondent/s : Ms. Usha Kumari 1, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 09-08-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the refusal of prayer for anticipatory bail *vide* order
dated 22-12-2023 in Anticipatory Bail Application No. 2751 of
2023 passed by the learned Additional District & Sessions
Judge-IIIrd-cum-Special Judge (SC & ST Act) Bhagalpur, arising
out of Naugachia PS Case No. 317 of 2023 for the offences



punishable under Sections 302 & 34 of the IPC and Sections 3(2)(v) of the SC/ST Act.

3. Prosecution case, in short, is that the informant states that one Vijay Yadav in conspiracy with other person have brutally assaulted his brother, namely, Kamal Kishore Das by means of iron rod, stone, *lathi*, *danda* and killed him and with intention to hid the dead body, thrown in the bushes near *Madhya Vidyalaya Village Tetri*.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Appellant is not named in the FIR. Name of the appellant dragged in this case on the basis of confessional statement of co-accused, namely, Prahlad Das @ Pramod Das, who has been granted regular bail by this Court *vide* order dated 08-05-2024, passed in Cr. Appeal(SJ) No. 104 of 2024. It is submitted that the appellant is a student of Government Polytechnic, Purnea and on the date of the occurrence, he was in the examination hall on 19-09-2023. Appellant bears five criminal antecedents.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail. Referring to paragraph Nos. 24, 56 & 129 of the case diary, it is submitted



that the witnesses have supported the prosecution case.

6. Having considered the submissions on behalf of the parties, there being involvement of the appellant in the present case which fact find mention in paragraph Nos. 24, 56 & 129 of the case diary and taking into account the five criminal antecedents of the appellant, this Court is not inclined to grant anticipatory bail to the appellant. Prayer is *rejected*.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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