

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1083 of 2024

Arising Out of PS. Case No.-171 Year-2023 Thana- SAUR BAZAR District- Saharsa

Mithilesh Mehta S/O Uttim Lal Mehta R/O Village- Pama Ward No. 8, P.S-
Saur Bazar (Patarghat O.P), Distt.- Saharsa.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Nawal Ram S/O Late Bindeshwari Ram R/O Village- Pama, Ward No. 7,
P.S- Saur Bazar (Patarghat O.P.), Distt.- Saharsa.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjeet Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 19-07-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 23.3.2023 passed by learned Additional Sessions Judge 1st -cum-Special Judge SC/ST (Prevention of Atrocities) Act, Saharsa in ABP No. 490 of 2023 whereby the prayer for anticipatory bail of the appellant in connection with Saur Bazar (Patarghat O.P.) P.S. Case no. 171 of 2023 under Sections 147, 148, 149, 341, 323, 307, 354(A), 379, 504, 506 of the Indian Penal Code, Section 302 of the IPC (further added) and Section 27 of the Arms Act and Section 3(i) (r) (S)/3(2) (va) of the SC/ST (POA) Act was rejected.



3. As per allegation in the FIR, while informant was parting his land between his share holders, in the meantime, accused Rajesh Sharma arrived there and abused him by addressing his caste. On protest made by informant, several accused persons including the appellant assault to assault him with danda and iron rod and threatened him of dire consequences. It is further alleged that when informant's father came to rescue him, accused Vakil Sharma, Umesh Sharma, Surendra Sharma, Rajesh Sharma and the appellant armed with Dabiya and farsa assaulted him and cut his body on different parts.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. General and omnibus allegation has been levelled against the appellant of assaulting to the informant and his father. There is case and counter case between the parties. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. He has got no criminal antecedent.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and submitted that anticipatory bail application is not maintainable under the SC/ST Act. As per postmortem



report, injuries on the body of the deceased were anti-mortem in nature. Death caused by hemorrhage and shock due to head injuries by hard and blunt force. Postmortem report is in consonance with the prosecution story. During investigation, several witnesses have supported the prosecution case.

Having heard learned counsel for the parties and considering the fact that appellant is also involved in brutal murder of informant's father along with other co-accused persons, this Court is not inclined to grant anticipatory bail to the appellant.

Accordingly, the instant Cr. Appeal (SJ) is hereby rejected.

(Sunil Kumar Panwar, J)

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