

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1677 of 2024

Arising Out of PS. Case No.-110 Year-2023 Thana- GAUNAHA District- West Champaran

Omprakash Disava @ Prakash Diswa Son of Garas Disva Resident of Village-
Parsauni Bakripachrukhiya, P.S.- Gobardhana, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Hira Mukhiya Son of Late Jagdish Mukhiya Resident of Village- Kuti Tola
Piradi, P.S.- Gaunaha, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Singh
For the Resp. No. 2	:	Mr. Dharmesh Kumar Shrivastava
For the Respondent/s	:	Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 27-09-2024 Heard learned counsel for the appellant and learned
counsel for the informant as well as learned Special Public
Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the rejection of prayer for anticipatory
bail vide order dated 13.02.2024 passed by Special Judge SC/ST
(PoA) Act, Bettiah, West Champaran in A.B.P. No. 179 of 2024
arising out of Gaunaha P.S. Case No. 110 of 2023 dated
12.06.2023 registered for the offence/s punishable u/ss 302 and
201 read with section 34 of the Indian Penal Code and sections
3(2) (v) of the SC/ST (POA) Act.



3. As per the prosecution case, the informant's son was working as a dancer in the dance party of Mahatam Pandey for several years and now that dance party is being run by Shyam Pandey, son of Mahatam Pandey. It is alleged that his son went to Mangalpur Nautan to join dance party since then he did not return. Thereafter, the informant got information that after killing the informant's son, Shyam Kishore along with his other associates fled away in his Scorpio after throwing the dead body of the informant's son in the sugarcane field of Harinagar farm plont no. 10 in Rampurwa.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to land dispute. The petitioner is not named in the FIR. The name of the appellant has sprung up on mere suspicion. Learned counsel has further submitted that no member of public was present at the relevant point of time of the alleged occurrence. Learned counsel has further submitted that no specific caste name has been called by the appellant hence no case is made out under SC/ST Act. The appellant has no criminal antecedent as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the



anticipatory bail petition of the appellant and submitted that the petitioner is also a member of the said dance party and he is involved in the murder of the informant's son.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the appellant, I am not inclined to set aside the impugned order dated 13.02.2024 passed by Special Judge SC/ST (PoA) Act, Bettiah, West Champaran in A.B.P. No. 179 of 2024 arising out of Gaunaha P.S. Case No. 110 of 2023, with direction to the appellant to surrender before the Court below concerned within a period of six weeks from the date of this order and the prayer for regular bail, the learned Court below will consider his prayer for regular bail in accordance with law and on its own merits without being prejudiced by this order.

7. Accordingly, the appeal stands rejected.

(Chandra Prakash Singh, J)

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