

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1947 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- CHAKARANDHA P.S. District- Gaya

Phuna Kumar @ Phuna Yadav @ Puna Yadav Son of Lakhna Yadav Resident
of Village- Chauritand, P.S.- Chhakarbandha, Dist.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Daulti Devi Wife of Late Kaplesh Mandal Resident of Village- Fulwariya,
P.S.- Maigra, Dist.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar, Advocate

For the Respondent/s : Mrs. Usha Kumari No. 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 26-09-2024 Despite valid service of notice, none appears on
behalf of the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 18.03.2024 passed by learned Exclusive Special
Judge, SC/ST, Gaya in ABP No. 85 of 2024 in connection with
Chakarbandha P.S. Case No. 01 of 2024, instituted under
Sections 302, 201/34 of the Indian Penal Code and Sections 3(i)
(r)(s)/3(2)(v) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, whereby the prayer for
anticipatory bail of appellant has been rejected.



4. As per prosecution case, informant suspects that this appellant along with other accused persons killed her husband and threw the dead body in forest area in order to destroy the evidence.

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. Informant is not an eye witness of the occurrence and appellant has been made accused only on suspicion. There is no allegation of abuse by caste name in the F.I.R., as such, no offence under SC/ST Act is made out against appellant. Rest of the allegations are ornamental only to make the case grave.

6. Learned Spl. Public Prosecutor for the State opposed the bail application and submitted that appellant is named in the F.I.R. with specific accusation that he along with others killed husband of informant by setting him on fire. During course of investigation, it has come that this appellant and other accused persons were in conversation with each other on the alleged date and place of occurrence. Appellant has got two criminal antecedents.

7. Considering the gravity of accusation and criminal antecedents, I do not find any ground to interfere with the order of the learned court below and as such, the appeal, which has



been filed for grant of anticipatory bail, is hereby rejected.

(Prabhat Kumar Singh, J)

Navya/-

U		T	
---	--	---	--

