

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2288 of 2024

Arising Out of PS. Case No.-914 Year-2023 Thana- KANTI District- Muzaffarpur

Karan Kumar S/o Raushan Sah R/o Village-Sarmaspur, P.s - Kanti, Distt - Muzaffarpur Appellant/s

Versus

1. The State of Bihar
2. Vikash Kumar Chaudhari S/o Late Jailal Chaudhari R/o vill - Sarmaspur, P.S. - Kanti, Distt. - Muzaffarpur Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar Pandey
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

5 04-09-2024 Heard learned counsel for the appellant as well as learned counsel for the informant.

2. This appeal has been preferred on behalf of the appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 05.02.2024 passed by the learned Special Judge, SC/ST, (POA) Act, Muzaffarpur in connection with Kanti P.S. Case No. 914 of 2023 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 3 (2) (v) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for bail of the appellant has been rejected.

3. As per allegation, the informant and his brother Raja Kumar Chaudhary (deceased) were working for co-accused Arjun Sah, who was contractor. The informant and his brother were



working as labourers. Co-accused Arjun Sah did not pay their wages of Rs. 54,000/- as such, the informant and his brother started working for another contractor. Being aggrieved, co-accused Arjun Sah and his two brothers Birendra Sah and Karan Kumar (the present appellant) after intercepting their ways, assaulted them. For that offence, Kanti P.S. Case No. 905 of 2023 was lodged on 24.11.2023. It has further been alleged that all the three accused persons were threatening to commit murder of the informant and his brother. On the next day of lodging of Kanti P.S. Case No. 905 of 2023, the dead body of brother of the informant was found hanging with a mango tree. The informant has mentioned that the accused persons including the appellant had killed the deceased due to previous enmity.

4. Learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case. He has further submitted that there is no evidence against the appellant at all. None has seen the occurrence. The petitioner has been implicated merely on the basis of suspicion. The petitioner is under custody since 31.01.2024.

5. Learned Special Public Prosecutor has opposed the prayer for bail.

6. The postmortem report shows that besides ligature mark around the neck of the dead body, injury has also been found on his chest caused by sharp and pointed weapon, which shows that it was not a case of suicide rather the deceased has been murdered. One day



prior to the occurrence, the informant has lodged Kanti P.S. Case No. 905 of 2023 for commission of assault at the hands of informant and his brother. The appellant and his brothers had also threatened to kill the deceased.

6. In my view, the petitioner does not deserve the privilege of bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

Nirmal/-

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

