

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2945 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- NOORSARAI District- Nalanda

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SURAJ KUMAR @ SURAJ PRASAD S/O LATE JITENDRA PRASAD R/O
Jalalpur, P.S- Noorsaray, Distt.- Nalanda.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ritesh Kumar, Adv.
For the Informant	:	Mr. Pankaj Kumar, Adv.
		Mr. Niranjan Kumar, Adv.
		Mr. Ram Murti, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl. pp

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 12-01-2024 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 22.05.2023 passed by the learned court below in A.B.P. No. 650 of 2023 arising out of Noorsaray P.S. Case No. 50 of 2023 dated 08.02.2023 registered for the offence/s punishable u/ss 147, 148, 149, 341, 323, 302 and 504 of the Indian Penal Code and 3(i)(r)(s) / 3(2) (V) of the SC/ST (POA) Act.



3. As per the prosecution case, it is alleged that the son of the informant went out of his house with his friends Suraj Kumar (appellant) and Dinesh Kumar. Further, the petitioner and the co-accused persons in connivance with one another assaulted the informant's son brutally and he was brought to Sadar Hospital, Biharsharif where the doctor declared him dead.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the 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 section SC/ST Act. The informant is not the eyewitness to the alleged occurrence. 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 appellant didn't inform about the said occurrence to the family members of the deceased. The appellant and the co-accused persons beaten the informant's son to death. It was the appellant and the co-accused Dinesh Kumar who took out the deceased



from his house.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the appellant, I am of the view that no case for grant of anticipatory bail is made out and the same is rejected with direction to the appellant to surrender before the Court below concerned within 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 without being prejudiced by this order.

7. Accordingly, the appeal stands rejected.

(Chandra Prakash Singh, J)

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