

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3093 of 2023

Arising Out of PS. Case No.-622 Year-2022 Thana- SHASTRINAGAR District- Patna

VISHAL KUMAR SON OF SHRI ASHOK YADAV @ ASHOK KUMAR
RESIDENT OF MUHALLA- PUNAICHAK, P.S.- SHASHTRI NAGAR,
DISTT.- PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. LATA KUMARI WIFE OF AMAR KUMAR CHAUDHARY RESIDENT
OF VILLAGE- PUNAICHAK, PS- SHASTRI NAGAR, DISTT- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Upendra Kumar, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 10-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 08.11.2023, he informed the informant to appear in the present appeal through her counsel, but nobody appears on her behalf.

3. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 15.06.2023 passed by learned I/C Special Judge, SC/ST, Patna in connection with Shashtri Nagar P.S.



Case No. 622 of 2022 registered under Sections 306, 504, 506, 34 of the Indian Penal Code and later on Section 3(i) (r) (s)/ 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act was added.

4. Allegedly, the appellant and his family members used to abuse and threatened the informant and her daughter. On 21.09.2022, mother of the appellant came at the house of the informant and threatened her daughter saying that her video will be made viral as a result of which being fed up with the threats from the appellant's side, the victim committed suicide by hanging herself.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. Appellant has no concern with the aforesaid occurrence. The allegation levelled against the appellant is totally false and based on concocted facts. He has no role in the present case. No independent witness has supported the prosecution case. Firstly, the FIR was lodged under Sections 306, 504, 506, 34 of the Indian Penal Code, but later on with a view to make the case serious, Section 3(i) (r) (s)/ 3 (2) (v) of the SC/ST Act was added. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.



6. Learned Spl. PP for the State opposed the prayer for bail and submitted that there is ample evidence against the appellant to indicate his complicity in the present case. Hence, he does not deserve the privilege of the anticipatory bail.

7. In the facts and circumstances of the case, as there is ample evidence against the appellant, I am not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected.

8. Accordingly, this appeal is dismissed.

9. However, if appellant surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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