

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4431 of 2023

Arising Out of PS. Case No.-342 Year-2021 Thana- FATEHPUR District- Gaya

CHALITAR PASWAN @ RAM CHARITRA PASWAN SON OF KAILASH
PASWAN RESIDENT OF VILLAGE RAGHUNATHPUR, PS FATEHPUR
DISTRICT GAYA

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kr. Sinha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 03-04-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has
informed that in compliance of the order dated 13.10.2023, he
has informed the informant but none is present of his 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 26.08.2023 passed by learned Special Judge
(SC/ST Act), Gaya in connection with Fatehpur P.S. Case No.
342/2021 registered under Section 302/34 of the Indian Penal
Code, Section 3 (2) (v) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act and Section 27 of the Arms Act.

4. The appellant along with other co-accused is said to have committed the murder of father of the informant.

5. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to village politics in collusion with police. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. It is further submitted that the deceased has four criminal antecedents and for this reason several enemies were present against the deceased. It is further submitted that the appellant's wife wrote a letter to the police official stating therein that at the time of occurrence her husband was in other place and in support of her statement she produced his husband's mobile. Appellant has no criminal antecedent.

6. Learned Spl. PP for the State opposed the prayer for bail submitting that considering the nature of the offence, the appellant does not deserve bail.

7. In the facts and circumstances of the case and the nature of the allegation, I am not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected.



8. However, if the appellant surrenders before the learned court below seeks regular bail, the same shall be considered on the same day without being prejudiced by this order.

9. Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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