

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5169 of 2023

Arising Out of PS. Case No.-266 Year-2023 Thana- ADAPUR District- East Champaran

Chain Kumar @ Chain Sah Son Of Chalitar Sah @ Chait Sah R/O Village-
Shyampur, P.O. And P.S.- Adapur, District- East Champaran At Motihari, Pin
Code- 845301

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi Wife Of Late Bachcha Paswan R/O Village- Shyampur, P.O.
And P.S.- Adapur, District- East Champaran At Motihari, Pin Code 845301

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jeetendra Narayan, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. P.P. Ms. Shiwani Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-07-2024 Heard the parties.

2. This appeal has been filed by the appellant against the order dated 16.10.2023 passed by learned Special Judge, SC/ST Act, East Champaran, Motihari whereby the prayer for bail of the appellant in connection with Adapur P.S. Case no. 266 of 2023 under Sections 341, 302, 120B, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(va) of SC/ST Act was rejected.

3. The prosecution story, in brief, is that when the informant along with her son and husband was at the place of occurrence, three bike-borne persons came there and shot her husband due to which he died on spot. It is further alleged that



the appellant along with others used to threaten and abuse the deceased with respect to land dispute.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in this case due to political rivalry. Further submission is that informant is not an eye witness of the alleged occurrence. The name of the appellant has come during the course of investigation. There is no specific allegation of overt act against the appellant.

5. Learned counsels for the State as well as for the Respondent No. 2 vehemently opposed the prayer for bail by contending that the appellant has got four criminal antecedents, out of which, some are of similar nature. Hence, appellant does not deserve to be enlarged on bail.

6. Considering the submissions advanced above, criminal antecedents of the appellant and the fact that the appellant was involved in the occurrence and used to threaten the deceased and abused by caste name, this Court is not inclined to grant bail to the appellant. His prayer for bail is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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