

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3150 of 2024

Arising Out of PS. Case No.-451 Year-2023 Thana- MURLIGANJ District- Madhepura

Ashok Das Son of Late Jageshwar Das Resident of Village - Rajani, P.S.-
Murliganj, District - Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranju Devi Wife of Late Rajesh Hansda Resident of Village - Rajani, P.S.-
Murliganj, District - Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sadanand Roy, Adv.
For the Respondent/s	:	Mr. Binay Krishna, APP
For the Informant/s	:	Mr. Rajesh Ranjan, Adv.
		Mr. Dipak Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 28-02-2025 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 06.06.2024 passed by the learned 1st
Additional Sessions Judge-cum-Special Judge SC/ST (PoA)
Act, Madhepura in A.B.P. No. 784 of 2024 arising out of
Murliganj P.S. Case No. 451 of 2023 dated 24.10.2023
registered for the offence/s punishable u/ss 302, 120B read with



Section 34 of the Indian Penal Code, 27 of the Arms Act and 3(2)(v) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellant and the co-accused persons are alleged to have fired on the informant's husband and fled away. Thereafter, the injured were taken to hospital 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 land dispute. 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. There is general and omnibus allegation against the appellant. 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 post-mortem report supports the prosecution and the cause of death is Cardio-respiratory arrest due to hemorrhage of gun shot. There is direct allegation against the appellant Ashok Das and the co-accused, Vishwajit Kumar of firing on the



informant's husband who died while being taken to the hospital. The bail application of the co-accused, Hare Ram Pauddar was earlier rejected by this Court vide order dated 09.08.2024 passed in Cr. APP(SJ). No. 1629 of 2024.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the appellant, I am not inclined to set aside the impugned order dated 06.06.2024 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (PoA) Act, Madhepura in A.B.P. No. 784 of 2024 arising out of Murliganj P.S. Case No. 451 of 2023, with direction to the appellant to surrender before the Court below concerned within a period of 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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