

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No 1703 of 2021**

Arising Out of PS. Case No.-261 Year-2020 Thana- KHAJANCHI HAT District- Purnia

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MD RAJU SON OF LATE NIZAM R/O- NEW SIPAHI TOLA, MARANGA  
ROAD, MATA CHAUK, P.S.- K. HAT, DISTRICT- PURNEA.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr Raj Kumar, Advocate  
For the State : Ms Usha Kumari I, Special PP  
For the Informant : Mr Amit Kumar Anand, Advocate

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL JUDGMENT**

**Date : 20-09-2021**

This case has been listed today for consideration through Video Conferencing.

2 Heard learned counsel for the appellant, learned counsel for the informant as well as the learned Special Public Prosecutor (for brevity, *Special PP*) appearing for the State of Bihar.

3 The appellant has preferred the present Appeal under Section 14 - A (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity, *SC/ST Act*) against the refusal of his prayer for regular bail vide order dated 23.12.2020 passed by Additional Sessions Judge I -cum-



Special Judge, SC/ST Act, Purnea in a case registered under Sections 147, 148, 149, 341, 323, 302, 506 of Indian Penal Code and Sections 3 (2) (V) of SC/ST Act in connection with Special (SC/ST) Case No 72 of 2020/CIS No 72 of 2020 arising out of K Hat Police Station (for brevity, *PS*) Case No 261 of 2020.

4 The prosecution case is that for making a demand in respect of some dues from the accused persons, informant's son has brutally been assaulted in his shop and killed by hanging.

5 Learned counsel for the appellant submits that several persons have been implicated by general and omnibus allegation. The appellant has no criminal antecedent. The informant's version is not as an eye witness. There are no other injuries in the post mortem report except strangulation.

6 Learned counsel for the informant and learned Special PP have submitted that in paragraph 74 of case diary, independent witness has stated regarding witnessing the assault perpetrated by all these accused persons. Similarly situated co-accused Md Chand had moved this Court for grant of bail in Cr Appeal (SJ) No 1568 of 2021. The same has been rejected.



7 In my opinion, in view of nature of accusation in the First Information Report, and submission of parties, a case for grant of regular bail is not made out. The impugned order dated 23.12.2020 does not require interference by this Court, which is, accordingly, affirmed.

8 This appeal is dismissed. The impugned order dated 23.12.2020 passed by Additional Sessions Judge I -cum- Special Judge, SC/ST Act, Purnea in connection with Special (SC/ST) Case No 72 of 2020/CIS No 72 of 2020 arising out of K Hat PS Case No 261 of 2020 is affirmed.

9 Prayer for bail of the appellant is rejected for the present.

**(Madhuresh Prasad, J)**

**M.E.H./-**

AFR/NAFR	NAFR
CAV DATE	NA
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