

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1460 of 2019**

Arising Out of PS. Case No.-45 Year-2013 Thana- MALSALAMI District- Patna

MANOJ KUMAR @ MANISH KUMAR Son of Sri Shiv Ratan Prasad @  
Shiv Ratan Lal Resident of Village-Padari Ki Haweli, P.S-Khajekalan,  
District-Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Rabindra Kumar  
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

5      26-06-2019                      Heard learned counsel for the appellant and learned  
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST  
Act against the refusal of prayer for anticipatory bail vide order  
dated 13.03.2019 passed by learned Special Judge (SC/ST Act),  
Patna in Malsalami P.S. Case No. 45 of 2013 registered under  
Sections 147, 420, 447, 341, 323, 504 and 506/34 of the Indian  
Penal Code and Sections 3(v) and (x) of the SC/ST Act.

Taking benefit of partition suit between the informant  
and his son, accused Ranjeet Kumar and Chandan Kumar Singh  
got the power of attorney executed in their favour from the  
informant. Subsequently smacking some foul play, informant  
cancelled the power of attorney executed in favour of Chandan  
Kumar Singh. In order to grab the property of the informant,



four named accused persons including the appellant and 4-5 unknown miscreants armed with weapon descended at his house and co-accused Chandan Kumar Singh slating him in the name of his caste extended threatening of dire consequence.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. There is no allegation of slating the informant in the name of his caste against the appellant. He has no concern with the property in question. He has no criminal antecedent. Similarly situated co-accused namely Ranjeet Kumar and Chandan Kumar Singh have been enlarged on anticipatory bail by learned lower court.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Patna in Malsalami P.S. Case No. 45 of 2013, subject to the condition as laid down under Section 438 (2) of



the Cr.P.C.

Accordingly, the impugned order is set aside and  
appeal is allowed.

**(Prakash Chandra Jaiswal, J)**

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