

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1891 of 2019

Arising Out of PS. Case No.-121 Year-2018 Thana- DIDARGANJ District- Patna

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Guddu Thakur Son of Sri Ramdeo Thakur Resident of Village - Barahpur,
P.S.- Didarganj, Dist.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sushil Kr. Gupta
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

6 13-11-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail
vide order dated 10.04.2019 passed by learned Addl. Sessions
Judge-VIII-cum-Special Judge, SC/ST Act, Patna in Didarganj
P.S. Case No. 121 of 2018 registered under Sections 147, 149,
448, 341, 323, 307, 354, 380, 504, 506 of the Indian Penal Code
and Section 3(i)(w) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.

Seven named accused persons including the
appellant are said to have intruded into the house of the



informant and demanded commission in the Government scheme carried out by the informant, and on protest, they assaulted the informant, her husband and brother-in-law (*Bhaisur*) and made them injured and also took away Rs. 15,000/- from a Box.

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 this case merely because co-accused Indrajeet Thakur has lodged Didarganj P.S. Case No. 117 of 2018 against the husband of the informant preceding to the case under hand. Allegation levelled against the appellant is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. There has been inordinate delay of seven days in lodging the FIR without assigning any plausible explanation for the same. Appellant has no criminal antecedent. Similarly situated co-accused, namely, Surendra Thakur & Ors. have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 21.02.2019 passed in Cr. Appeal (SJ) No. 3693 of 2018.

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

In 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 learned Addl. Sessions Judge-VIII-cum-Special Judge, SC/ST Act, Patna in Didarganj P.S. Case No. 121 of 2018, 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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