

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2296 of 2019

Arising Out of PS. Case No.-92 Year-2018 Thana- PRANPUR District- Katihar

MUNNA THAKUR Son of Bhola Thakur Resident of Village - Budheli, P.S.-
Pranpur, Distt - Katihar.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimal Kumar

For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

6 06-09-2019 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 15.04.2019 passed by learned 1st Additional
Sessions Judge cum Special Judge, Katihar in connection with
Pranpur P.S. Case No.92 of 2018 registered under Sections 147,
341, 323, 307, 504 & 302 of the Indian Penal Code and Section
3(1) (g) (r) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

Over row of blocking the passage of the informant



by the appellant and eight accused persons appellant and one Pradum Kumar are said to have assaulted Manju Devi and Chandan Kumar by means of khanti and other accused persons assaulted other family members of the informant. Chandan Kumar succumbed to injury during the course of treatment.

It is submitted by learned counsel for the appellant that appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. There is case and counter case between the parties. Both sides have sustained injury in the occurrence. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Though Chandan Kumar is said to have been assaulted by the appellant and Pradum Kumar on his head by means of khanti but the doctor giving the injury report has not found any visible and sharp cut injury on the head of deceased rather simple headache and in the postmortem report, the doctor has also found only one fracture injury on the skull of Chandan Kumar. Independent witness in para 13 of the case diary has stated that Bhola Thakur assaulted on the head of Manju Devi and Chandan Kumar by means of khanti. Then appellant assaulted Chandan Kumar and Manju Devi by means of khanti. Hence, assailant of the said injury is also not ascertained, which creates



serious doubt about the allegation levelled against the appellant. Manju Devi has sustained one lacerated wound which is simple in nature caused by hard and blunt substance and not by sharp edged weapon. Appellant has no criminal antecedent.

On the other hand, learned counsel for the informant and learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, Katihar in connection with Pranpur P.S. Case No.92 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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