

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.5754 of 2019**

Arising Out of PS. Case No.-34 Year-2019 Thana- SC/ST District- Lakhisarai

1. ANIL THATHERA Son of Lalan Thathera Resident of Chewara, P.S.-Chewara, District- Sheikhpura. At present Village- and P.S.- Halsi, District-Lakhisarai.
2. Rajesh Kumar Son of Ramdeo Prasad Thathera Resident of Chewara, P.S.-Chewara, District-Sheikhpura. At present Village and P.S.-Halsi, District-Lakhisarai.
3. Ramdeo Prasad Thathera @ Ramdeo Thathera Son of Satya Narayan Prasad Thathera Resident of Chewara, P.S.-Chewara, District-Sheikhpura. At present Village and P.S.-Halsi, District-Lakhisarai.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Amrendra Kumar,Advocate
For the Respondent/s : Mr.Binay Krishna,Spl PP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 07-07-2020 At the outset, learned counsel for the appellants submits that during pendency of the present appeal one of the appellants, namely, Rajesh Kumar (appellant no. 2) has been arrested by police.

In that view of the matter, this appeal on behalf of appellant no. 2 has become infructuous. The appeal, thus, survives only with respect to Anil Thathera (appellant no. 1) and Ramdeo Prasad Thathera @ Ramdeo Thathera (appellant no. 3).

Learned counsel for the appellants submits that on bare perusal of the First Information Report, it would appear that the whole allegation of taking money on the pretext of sale of land



is against co-accused Bumbum Kumar son of Satyanarayan Prasas Thathera. So far as these appellants are concerned, they being the co-sharers have been falsely implicated in this case just to put pressure upon the co-accused and by way of superimposition it has been alleged that these appellants were also involved in abuse and taking caste name of the informant. Learned counsel submits that it is nothing but a kind of over-implication because these appellants are connected to the family of the co-accused.

Learned Spl. PP for the State has though opposed the prayer for anticipatory bail of the appellants, however, considering the facts and circumstances of the case wherein no prima-facie material seems to be present at this stage to connect these appellants and the allegations seem to be in the nature of general and omnibus, the impugned order is hereby set aside. Let the appellants no. 1 and 3 above named in the event of their arrest or surrender within a period of four weeks from today in connection with Lakhisarai SC/ST P.S. Case No. 34 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J. - 1st cum Special Judge SC/ST Act, Lakhisarai, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available



for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This appeal stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

