

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 1737 of 2021

Arising Out of PS. Case No.-163 Year-2020 Thana- KALYANPUR District- East Champaran

RANJEET THAKUR SON OF SHIV KUMAR THAKUR @ SHIVNATH
R/O VILLAGE- DHURUV PAKARI, P.S. KALYANPUR, DIST- EAST
CHAMPARAN

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	M/s Nafisuzzoha, Bal Govind Sharma, Advocates
For the Informant	:	M/s Abhishek Kr, Rashmi Jha, Sharad Kr Verma, Advocates
For the State	:	Mr Sadanand Paswan, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 16-08-2021

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

2 Heard learned counsel for the appellant, informant and 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 (for brevity, SC/ST Act) against the refusal of his prayer for regular bail vide order dated 05.11.2020 passed by Additional Sessions Judge I -cum- Special Judge, SC/ST Act, East Champaran, Motihari in a case registered under Sections



147, 323, 324, 325, 326, 307, 302, 504, 506, 427 of Indian Penal Code and Sections 3 (1) (r) (s) of SC/ST Act in connection with Kalyanpur Police Station (for brevity, *PS*) Case No 163 of 2020 dated 05.07.2020.

4 While co-accused Ramesh Prasad has stabbed the victim, it is alleged that the appellant was giving cover with help of a carbine.

5 The learned counsel for the appellant submits that specific overt act is alleged against Ramesh Prasad of stabbing the victim. The death of the victim is also on account of stab injuries. No firearm injury has been suffered by the victim. Co-accused Anup Das, against whom there is allegation of catching hold of deceased, has been allowed bail by this Court in Cr Appeal (SJ) No 1116 of 2021 on 02.03.2021. The appellant is in custody now for more than a year, i.e., since 13.07.2020. The appellant is also accused in three more cases, as per details contained in paragraph 6 of the supplementary affidavit.

6 Learned Special PP as well as learned counsel for the informant have opposed the prayer for bail. It is their submission that appellant's active participation appears from the narration of events.



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 made out. The impugned order dated 05.11.2020 requires interference by this Court, which is, accordingly, set aside.

8 This appeal is allowed. The impugned order dated 05.11.2020 passed by Additional Sessions Judge I -cum- Special Judge, SC/ST Act, East Champaran, Motihari in connection with Kalyanpur PS Case No 163 of 2020 dated 05.07.2020 is set aside.

9 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, SC/ST Act, East Champaran, Motihari in Kalyanpur PS Case No 163 of 2020 dated 05.07.2020 subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellants who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.



(2) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.08.2021
Transmission Date	17.08.2021

