

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2514 of 2021

Arising Out of PS. Case No.-257 Year-2017 Thana- ROSERA District- Samastipur

Niraj Kumar @ Kalanag Thakur, Son of Umesh Thakur, Resident of Village-
Laxmipur, Ward No.-16, P.S.- Rosera, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhay Shankar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-06-2021 Heard learned Counsel for the appellant and learned
Special Public Prosecutor for the State, through Video
Conferencing.

An order, dated 03.03.2021 passed by learned 1st
Additional Sessions Judge -cum- Special Judge, Samastipur, in
B.P. No. 628 of 2020, is under challenge in the present appeal
preferred under Section 14-A(2) of the Scheduled Caste and
Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby
the regular bail application of the appellant in connection with
Rosera Police Station Case No. 257 of 2017 registered for the
offences punishable under Sections 302/323/325/341/34 of the
Indian Penal Code and Section 3 (2) (va) of the Scheduled Caste
and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has
been rejected.



The prosecution case, as per the First Information Report, is that the appellant, along with his father, Umesh Thakur, assaulted the son of the informant with fists and slaps due to the fact that the son of the informant, in the night of Deepawali, was burning crackers and the spark of crackers fell in front of the house of co-accused Umesh Thakur. It has been alleged that the alleged occurrence has taken place on 19.10.2017 and the son of the informant died on 22.10.2017, during treatment.

Learned Counsel appearing on behalf of the appellant submits that the appellant has not committed any offence in the manner alleged and even if the contents of the First Information Report are taken to be true on its face value, the appellant had no intention to kill the deceased and the ingredients of Section 302 of the Indian Penal Code are not attracted in the facts and circumstances of the case. He next submits that the appellant is in custody since 01.01.2018, i.e. for about three-and-a-half years and co-accused, Umesh Thakur, father of the appellant, has been granted bail by co-ordinate Bench of this Court, vide order, dated 15.03.2018, passed in Criminal Appeal (SJ) No. 444 of 2018.

Having heard learned Counsel for the parties and



taking into consideration the materials on record and the fact that the appellant is in custody since 01.01.2018 and co-accused person has been granted bail by this Court, I am inclined to grant regular bail to the appellant.

Accordingly, this appeal is allowed and the order, dated 03.03.2021, passed in B.P. No. 628 of 2020, by learned 1st Additional Sessions Judge -cum- Special Judge, Samastipur, is set aside.

Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge, Samastipur, in connection with Rosera Police Station Case No. 257 of 2017.

This is subject to the condition that the appellant shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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