

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.3647 of 2021**

Arising Out of PS. Case No.-276 Year-2020 Thana- KOILWAR District- Bhojpur

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MANOHAR RAI @ MANOHAR YADAV S/o LATE LALIT YADAV R/o  
VILLAGE-CHAKIA, P.S-DORIGANJ, DISTRICT-SARAN (CHAPRA).

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Supan Rajak son of late Chhabila Rajak vill- Rampur Diyara, P.S.- Maner,  
District- Patna

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Sarva Deo Singh  
For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      28-09-2022                      At the outset, learned counsel for the appellant seeks  
  
permission to make correction in prayer portion of the appeal.

Permission is accorded. It may be done in course of  
  
the day.

Heard learned counsel for the appellant and learned  
  
Special P.P. for the State as well as learned counsel for  
  
respondent no. 2.

The present appeal has been filed against order dated  
  
28.07.2021 passed by learned A.D.J.-I, Bhojpur, Ara in Koilwar  
  
P.S. Case No. 276 of 2020 registered for the offence punishable  
  
under Sections 302, 34 of the Indian Penal Code, Section 27 of  
  
the Arms Act and Section 3(2)(V) of the Scheduled Castes and



the Scheduled Tribes (POA) Act (for short “SC/ST Act”), whereby the prayer for anticipatory bail of appellant was rejected.

According to F.I.R., two groups of villagers were firing against each other. Firing made by co-accused Bhuwar Rai hit brother of the informant, on account of which, he died on spot.

Appellant is not named in the F.I.R. Name of the appellant surfaced during course of investigation and there is no allegation of overt act against him. Only material, which has come against the appellant, is that appellant was member of one of the party, who were firing against each other. There is no allegation of abuse by caste name. The appellant has got clean antecedent.

However, learned Spl. P.P. and learned counsel for respondent no. 2 vehemently opposed the prayer for bail.

Considering the fact that there is no allegation of abuse or overt act against this appellant and appellant has got clean antecedent, in the event of his arrest or surrender within a period of six weeks from today, let the above-named appellant be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned 1<sup>st</sup> Addl. Sessions Judge, Bhojpur, Ara in connection with Koilwar P.S. Case No. 276 of 2020.

Accordingly, the impugned order dated 28.07.2021, so far as this appellant is concerned, is set aside and appeal is allowed.

**(Prabhat Kumar Singh, J)**

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