

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2452 of 2022

Arising Out of PS. Case No.-23 Year-2021 Thana- SC/ST District- Munger

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1. BODHAN THAKUR @ BODAN THAKUR @ BORHAN THAKUR Son of Late Puna Thakur Resident of village - Thada, P.S. - Tetiya Badar, District - Munger.
 2. Hema Devi Wife of Bodhan Thakur @ Bodan Thakur @ Borhan Thakur Resident of village - Thada, P.S. - Tetiya Badar, District - Munger.
 3. Manoj Thakur Son of Late Puna Thakur Resident of village - Thada, P.S. - Tetiya Badar, District - Munger.
 4. Sita Devi Wife of Sudhir Thakur Resident of village - Thada, P.S. - Tetiya Badar, District - Munger.

... .. Appellant/s

Versus

1. The State of Bihar
2. Parwati Devi Wife of Bhola Murmu Resident of village - Tharha, P.S. - Tetiya Bampar (Sangrampur), District - Munger.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Balram Kapri
For the Respondent/s	:	Ms. Usha Kumari 1
For the Respondent No. 2:	:	Mr. Prabhat Ranjan Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 04-01-2023 A fresh vakalatnama has been filed across the Board.

Let it be taken on record.

Heard Ld. counsel for the appellants and Ld.
Special Public Prosecutor for the State and Ld. Counsel for
the informant/respondent No. 2.

This criminal appeal has been filed to enlarge the
appellants on bail, impugning the order dated 30.05.2022,
passed by the Ld. Special Judge (SC/ST Act)-cum-Additional



District Judge 1st, Munger, arising out of SC/ST P.S. Case No. 23 of 2021, registered for offence punishable under Sections 120(B), 147, 149, 167, 323, 447, 468, 471, 504 and 506 of the Indian Penal Code and under Sections 3(1)(R)(S) and 2(V) (Va) of the SC/ST (Prevention of Atrocities) Act, whereby bail has been denied to the appellants.

As per the allegation the present appellant is grabbed the land of the informant.

Ld. counsel for the appellants submit that the appellants are innocent and have falsely been implicated in this case. He further submits that he is only applied for allotment of government land in favour of the appellant who is landless and it is the government who had allotted the land. And such no offence is made out utmost there may be a civil dispute which the informant may have no pursue this civil dispute and remedy accordingly may be pursued by the informant. He also submits that similarly other co-accused have already enlarged on bail by a coordinate Bench of this Court vide order dated 28.09.2022 and 13.10.2022 passed in Cr. Appeal (SJ) No. 691 of 2022 and Cr. Appeal (SJ) No.



136 of 2022. He further submits that investigation in this case is complete and charge-sheet has already been submitted. He also submits that the appellants will co-operate in the trial and the trial will not get hampered in case he is enlarged on bail.

He further submits that the appellants have been languishing in jail since 05.05.2022.

It has further been stated in paragraph no. 3 of the bail petition that the appellants have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the appellants No. 1, 2 and 4 have earlier moved before this Court for grant of anticipatory bail in Cr. Appeal No. 330 of 2022.

However, the Ld. Special Public Prosecutor for the State and Ld. Counsel for the informant vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, the appeal is allowed, setting aside the impugned order dated 30.05.2022, passed by the Ld. Special Judge (SC/ST



Act)-cum-Additional District Judge 1st, Munger, and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Ld. Special Judge (SC/ST Act)-cum-Additional District Judge 1st, Munger, in connection with SC/ST P.S. Case No. 23 of 2021, on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant 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.

(iv) In case, it is brought to the notice of the court below that the appellant has any criminal antecedent, the



learned court below shall cancel the bail bond of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the appellant.

learned counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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