

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3739 of 2023

Arising Out of PS. Case No.-296 Year-2023 Thana- SAHEBGANJ District- Muzaffarpur

ANESH THAKUR @ ANISH THAKUR S/O RAMNATH THAKUR R/O
VILLAGE- PARSAUNI RAISI, P.S- SAHEBGANJ, DISTT.-
MUZAFFARPUR.

... .. Appellant/s

Versus

1. The State of Bihar
2. MUKESH RAM S/O SHIVNATH RAM R/O VILLAGE- PARSAUNI
DUBEY, P.S- SAHEBGANJ, DISTT.- MUZAFFARPUR.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 30-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 19.07.2023 passed by learned Special Judge, SC/ST(POA) Act, Muzaffarpur whereby the prayer for bail of the appellant in connection with Sahebganj P.S. Case no. 296 of 2023 under Sections 379, 302 and 34 of the Indian Penal Code and Sections 3(i)(a) (r)(s)(x) of SC/ST (POA) Act was rejected.

3. Allegation against the appellant is that he assaulted the informant's father by means of slipper and other co-accused also assaulted him by means of butt of pistol and



iron rod due to which he sustained injury and succumbed to his injury. They also abused him by taking his caste name.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case. The informant is not the eye witness of the alleged occurrence. Save and except the assaulting the deceased by the appellant by slipper, there is no allegation against him. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. The appellant has got no criminal antecedent. He is an old person aged about 61 years and languishing in judicial custody since 08.07.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 19.07.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Sahebganj P.S. Case No. 296 of 2023 on



furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)
with two sureties of the like amount each to the satisfaction of
the learned Special Judge, SC/ST (POA) Act, Muzaffarpur.

(Sunil Kumar Panwar, J)

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