

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.986 of 2024

Arising Out of PS. Case No.-1 Year-2017 Thana- VIDYAPATINAGAR District- Samastipur

MANOJ SINGH @ MANOJ Son of Bhola Singh Resident of Village-
Hadipur, P.S.-Bachchwara, Dist-Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. RINKU DEVI Wife of Late Lalan Paswan Resident of Village-Kadarabad,
P.S.-Bachchwara, Dist-Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sabal Kumar Jha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-07-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of order dated 28.06.2024, learned Spl.PP
for the State informed the informant to appear in the present
case through his counsel or through Spl.PP for the State but
nobody appears on behalf of the informant.

3. This is an appeal under Section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 (hereinafter in short referred to as the 'SC/ST Act') against
the refusal of prayer of anticipatory bail vide order dated
01.02.2024 passed by learned Special Judge (SC/ST Act),
Samastipur, in connection with Vidyapati Nagar P.S. Case No.



01 of 2017 registered under Sections 302, 109, 120(B), 34 of the Indian Penal Code and Section 3 (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the FIR, appellant killed the husband of the informant on the pretext that her husband was an accused in the murder case of one Banti Singh.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. No independent witness has supported the prosecution case. The appellant is in judicial custody since 25.11.2020. Appellant has four criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Samastipur, in connection with Vidyapati Nagar P.S. Case No. 01 of 2017, subject to the following



conditions:

(i) One of the bailors will be own close relative of the appellant who will give on affidavit genealogy as to how he is relative to appellant. The bailor will also undertake to inform the court if there is any change in the address of the appellant.

(ii) The bailor shall also state on affidavit that he will inform the court concerned if the appellant is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iii) The appellant shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The appellant shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) The appellant shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.



8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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