

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4010 of 2023

Arising Out of PS. Case No.-179 Year-2023 Thana- BARHARA KOTHI District- Purnia

CHUNNU THAKUR @ AMIT KUMAR SON OF GANPATI THAKUR @
KRISHNA MOHAN THAKUR RESIDENT OF VILLAGE - BHANGHA
TULA, P.S. - BARHARA KOTHI, DISTRICT - PURNEA

... .. Appellant/s

Versus

1. The State of Bihar
2. DIL KHUSH KUMAR SON OF LAKHAN RISHIDEO RESIDENT OF
VILLAGE - BHAGHA TULA, P.S. - BARHARA KOTHI, DISTRICT -
PURNEA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kamal Kishore Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 02-05-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 03.08.2023 , passed in a case registered for the offence punishable under sections 302, 201 , 34 and other allied sections of the Indian Penal Code and sections 3 (2) (V) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case , it is alleged that grand father of the informant Seebo Rishidev has been killed by the accused persons including the appellants and they abused by caste name .

4. It is submitted that on behalf of the appellant that



informant is not an eye witness of the alleged occurrence and only on the basis of the confessional statement of the co-accused Anandi Yadav this appellant has been made accused in this case . Except confessional statement there is nothing on record to show the complicity of the appellant in this case . It is not the case of the prosecution that incident occurred with the public view , as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5. Counsel for the Spl. PP for the State and OP No. 2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, 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 the learned Special Judge SC/St, Purnea , in connection with Barhara Police Station Case No. 179 of 2023 .

(Prabhat Kumar Singh, J)

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