

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2938 of 2025

Arising Out of PS. Case No.-255 Year-2023 Thana- MOTIPUR District- Muzaffarpur

Balendra Thakur S/O Baijnath Thakur R/O Village- Morshandi, Ps- Motipur,
District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranjana Bharti W/O Late Sandesh Kumar R/O Village- Morshandi, Ps-
Motipur, District- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Chandra Shekhar Anand, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Santosh Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 11-09-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State, learned counsel for the
informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 09.06.2025 passed by Learned Special
Judge, SC/ST (POA) Act, Muzaffarpur whereby the prayer for
bail of the appellant in connection with Motipur P.S. Case No.
255 of 2023 under Sections 302/34 of the Indian Penal Code
and Section 3(i)(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that accused persons
took Rs. 25,00,000/- from informant's husband for land
registration, when asked to register the land, informant's



husband was called to a deserted place where the victim was shot and later on he died in course of his treatment.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that the appellant is not named in the FIR. Name of the appellant has transpired in this case on the basis of confessional statement of co-accused, namely, Jhunnu Thakur and the same has got no evidentiary value. It is next submitted that no specific allegation has been attributed against the appellant rather the same is general and omnibus in nature. The appellant neither made any conspiracy nor has committed any overt act over the deceased. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 27.05.2025 and has got no criminal antecedent. Similar co-accused has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 12.07.2024 passed in Cr. Appeal (S.J.) No. 5490 of 2023.



5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 09.06.2025 passed by Learned Special Judge, SC/ST (POA) Act, Muzaffarpur is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Motipur P.S. Case No. 255 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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