

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4729 of 2023

Arising Out of PS. Case No.-132 Year-2021 Thana- KATRA District- Muzaffarpur

MANISH KUMAR THAKUR @ MANISH THAKUR S/O INDRA KUMAR THAKUR @ ASHISH THAKUR RESIDENTS OF VILLAGE- JAJUARA (YAJUYAR) P.S.- KATRA, DISTRICT- MUZAFFARPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. SAROJ KUMAR PASWAN @ SAROJ KUMAR S/O BALESHWAR PASWAN R/O VILLAGE- JAJUARA WEST, P.S.- KATRA, DISTRICT- MUZAFFARPUR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ratneshwar Prasad, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-04-2025 Heard Mr. Ratneshwar Prasad, learned counsel for the appellant as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. Learned Spl.P.P. for the State has informed Respondent No.2 with respect to the present case but despite that no one appeared on behalf of Respondent No.2.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 19.09.2023 passed by the learned Special Judge SC/ST (PoA) Act, Muzaffarpur in A.B.P. No. 2867/2023 arising out of Katra P.S. Case No. 132 of 2021, F.I.R. dated 28.05.2021 registered under Sections 341, 448, 452, 323, 324, 326, 307, 353, 120(B),



504, 506, 34 of the Indian Penal Code and Section 27 of Arms Act and Sections 3(1)(i)(r)(s), 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that the appellant along with others used to tell the villagers that informant should not have got apprehended their truck. On 26.05.2021, co-accused persons entered the house of the informant and fired upon him.

5. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. It appears from the FIR that there is specific allegation of firing against the co-accused persons, namely, Sawan Thakur and Raushan Thakur and there is no specific allegation of assault or overt act or firing attributed against the appellant rather there is general and omnibus allegation against the appellant that he was also involved in the present crime in question and apart from that co-accused person, namely, Navin Thakur vide order dated 08.08.2022 passed in Cr. Appeal (SJ) No. 4390 of 2021 has been granted the privilege of anticipatory bail by co-ordinate bench of this Court and it transpires from the FIR that no case under SC/ST is made out.

6. Learned Special Public Prosecutor for the State has



vehemently opposed the prayer for bail of the appellant.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

8. Considering the facts and circumstance, appellant has clean antecedent and there is no specific allegation against the appellant and similarly situated co-accused person has been granted privilege of anticipatory bail, let the appellant, above named, in the event of his arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two surities of the like amount each to the satisfaction of learned Special Judge SC/ST (PoA) Act, Muzaffarpur in A.B.P. No. 2867/2023 arising out of Katra P.S. Case No. 132 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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