

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5017 of 2023

Arising Out of PS. Case No.-749 Year-2022 Thana- GARKHA District- Saran

Manoj Rai @ Manoj Kumar S/o Vishwanath Rai Resident of Village-
Narayanpur Tola, P.S- Garkha, District- Saran At Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishna Manjhi S/o Late Ram Kumar Manjhi R/o Village- Rahampur, P.S-
Garkha, Distt.- Saran At Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dewendra Narayan Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari No. 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 06-05-2025 Heard Mr. Dewendra Narayan Singh, learned counsel

for the appellant as well as Mrs. Usha Kumari No. 1, learned

Spl.P.P. for the State.

2. Despite interappearance through the *Vakalatnama*,
no one appears on behalf of the Respondent No. 2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
12.10.2023 passed by the learned Court of SC/ST Exclusive
Special Judge, Saran at Chapra in connection with Garkha P.S.
Case No. 749 of 2022, F.I.R. dated 27.11.2022 registered under
Sections 147, 148, 149, 323, 324, 307, 380, 448 and 506 of the
Indian Penal Code and Sections 3(i)(r)(s) and 2(va) of the



Scheduled Castes and Scheduled Tribes (POA) Act.

4. According to the prosecution case, this appellant along with all other accused persons over a petty dispute assaulted the informant and took away jewellery and money from his house and fled away.

5. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that the present case is the courtner blast of Garkha P.S. Case No. 748 of 2022 filed by the appellant side against the informant and his family members. He further submits that the appellant is named in the F.I.R and the F.I.R is in two parts, according to first part there is general and omnibus allegation against all the accused persons including the appellant and according to second part there is specific allegation against the appellant that he has assaulted to the informant by means of farsa due to which he has received injury but the injury report of the injured person suggest that the injury is simple in nature. With respect to the allegation of abusing the informant by his caste name, it appears that there is no specific allegation against the appellant rather there is general and omnibus allegation of abusing the informant against all the accused persons including the appellant.



6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and submits that the appellant is named in the F.I.R and the specific allegation of assault is attributed against the appellant and apart from that, the appellant carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph no. 3 of the bail petition that he is on bail in the pending case.

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. Hence, 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 Court of SC/ST Exclusive Special Judge, Saran at Chapra in connection with Garkha P.S. Case No. 749 of 2022, 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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