

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5249 of 2023

Arising Out of PS. Case No.-185 Year-2023 Thana- DORIGANJ District- Saran

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HARE KRISHNA SINGH S/O LATE SHIV MANGAL SINGH VILLAGE-
DAYALCHAK, POST OFFICE- KOTWAPATTI, RAMPUR, PS.
DORIGANJ, DIST. SARAN.

... .. Appellant/s

Versus

1. The State of Bihar
2. BIRBAL MANJHI S/O LATE TETAR MANJHI VILLAGE-
KUTUBPUR, PS. DORIGANJ, DIST. SARAN.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ramashray Roy, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-04-2025 Heard Mr. Ramashray Roy learned counsel for the

appellant as well as Mr. Sadanand Paswan, learned Spl.P.P. for

the State.

2. Learned Spl.PP informed that despite his best
efforts, the authority could not contact the Respondent No.2
because Respondent No.2 lives in Maharashtra.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
05.10.2023 passed by the learned Exclusive Special Judge
SC/ST , Saran at Chapra in A.B.P No. 3438 of 2023 arising
out of Doriganj P.S. Case No. 185 of 2023, F.I.R. dated
06.06.2023 registered under Sections 341, 323,504 of the Indian



Penal Code and Sections 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that the appellant kidnapped her wife and took her out of the District. Thereafter on 02.09.2022 the appellant left her wife in her house. On 21.09.2022 when the informant met with appellant and asked about his wife, the appellant abused him by taking his caste name.

5. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case and the appellant is working in customer service center of State Bank of India and it appears from the FIR/complaint petition that the present occurrence took place on 10.09.2022 but the complaint petition was instituted on 16.11.2022 after delay of two months and six days which suggest that the complainant/informant has filed the present case only to harass the appellant with ulterior motive. From bare perusal of the complaint petition which was later converted into the present FIR, it transpires that complainant/informant has alleged that appellant has kidnapped his wife but in the FIR there is no such section mentioned which suggest that the appellant has done the same and the present complaint/FIR has



been filed only on the basis of suspicion.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant.

6. 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.

7. 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 Exclusive Special Judge SC/ST , Saran at Chapra in A.B.P No. 3438 of 2023 arising out of Doriganj P.S. Case No. 185 of 2023, 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.

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

(Rajesh Kumar Verma, J)

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