

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5517 of 2023

Arising Out of PS. Case No.-664 Year-2023 Thana- DARIYAPUR District- Saran

MANOJ SINGH @ MANOJ THAKUR @ MANOJ SON OF LATE
CHANDESHWAR SINGH RESIDENT OF VILLAGE - NAGVA, P.S. -
DARIYAPUR, DISTRICT - SARAN (BIHAR)

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. BUNILAL RAM SON OF MISRAM RAM RESIDENT OF VILLAGE -
NAGVA, P.S. - DARIYAPUR, DISTRICT - SARAN (BIHAR)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shekhar Harshvardhan, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP
For the Respondent No.2:	:	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-05-2025 Heard Mr. Shekhar Harshvardhan, learned counsel
for the appellant, Mr. Manoj Kumar, learned counsel for the
Respondent No.2 as well as Mr. Sadanand Paswan, learned
Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
23.11.2023 passed by the learned Special Judge, SC/ST, Chapra,
Saran in connection with Dariyapur P.S. Case No. 664 of 2023,
F.I.R. dated 06.10.2023 registered under Sections 341, 323, 325,
504, 506 of the Indian Penal Code and Sections 3(1)(r)(s) of the
Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, the informant



alleged that the appellant came to his house and started abusing and threatened him to implicate and sent him in jail in excise case.

4. Learned counsel for the appellant submits that appellant have clean antecedent and he has falsely been implicated in the present case. Although the appellant is named in the FIR but from bare perusal it transpires that the occurrence took place in the house of the informant which is not a public place, so no offence under SC/ST Act is made out and apart from that it appears from the FIR itself that the appellant has not abused the informant by his caste name.

5. Learned Special Public Prosecutor for the State and learned counsel for the Respondent No.2 have vehemently opposed the prayer for bail of the appellant and submits that appellant is named in the FIR and there is specific allegation against him that he has abused the informant by his caste name but fairly submits that the occurrence took place in the house of the informant, so no offence under SC/ST Act is made out.

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. Considering the aforesaid facts and circumstances,



appellant has clean antecedent and the occurrence took place in the house of the informant, so no offence under SC/ST Act is made out, 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, Chapra, Saran in connection with Dariyapur P.S. Case No. 664 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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