

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5464 of 2024

Arising Out of PS. Case No.-424 Year-2024 Thana- BABUBARHI District- Madhubani

Manoj Kumar Jha @ Manoj Jha S/O Gangesh Jha R/O Village- Sara, P.S-
Babubarhi, District- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandramani S/O Ram Sewak Sharma Officer- In-charge, Babubarhi Police Station, Distt.- Madhubani. Permanent Resident of Village- Goshpur, P.S and P.O- Dalsinghsarai, Distt.- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Rakesh Kumar Sharma, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 20-02-2025 Heard learned counsel for the appellant and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 08.10.2024 passed by the learned Additional Sessions Judge-1st-cum-Special Judge (SC/ST), Madhubani in connection with Babubarhi P.S. Case No. 424 of 2024 dated 21.09.2024 registered for the offence/s punishable u/s 137(2) of B.N.S. and subsequently Sections 140(1), 140(3), 126(2), 115(2), 127(2), 313(2), 318(4), 352, 351(2), 3(5) of B.N.S. and Sections 3(1)(r)(s), 3(2)(va), 3(2)



(v) of SC/ST Act was added.

3. As per the prosecution case, on 18.09.2024, the informant along with other police personnel proceeded for investigation to the place of occurrence and near the village and he was collecting the data with the relative of the deceased, then the brother of Lalit Ram and other villagers came there and stated that the appellant kidnapped his brother with the help of the other co-accused persons. Thereafter, the informant along with other police personnel proceeded for the recovery of said Lalit Ram and started raiding and upon pressure of police, Lalit Ram was released and accordingly he charged the appellant and the other co-accused persons for the said offence.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The occurrence took place on 18.09.2024 but the FIR was lodged on 21.09.2024 and there is no explanation for this delay. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has 12 criminal antecedents as stated at para 3 of the bail petition. The appellant is in custody since 23.09.2024.

5. Learned counsel learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the



prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 08.10.2024 passed by the learned Additional Sessions Judge-1st-cum-Special Judge (SC/ST), Madhubani in connection with Babubarhi P.S. Case No. 424 of 2024 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st-cum-Special Judge (SC/ST), Madhubani in connection with Babubarhi P.S. Case No. 424 of 2024, with the condition :-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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