

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1856 of 2025

Arising Out of PS. Case No.-19 Year-2025 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Manoj Bharti S/O Kailash Bihari Prasad Singh @ Kailash Singh @ Kailash
Bharti R/O Village- Manjhaul-1, Tilak Nagar, P.S- Manjhaul, Distt.-
Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Arjun Chaudhary S/O Harilal Chaudhary R/O Village- Cheriya Bariyarpur,
P.S- Cheriya Bariyarpur, Distt.- Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sangeet Deokuliar, Advocate.
For the Respondent/s : Ms. Usha Kumari 1, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 04-02-2026 1. Heard the learned counsel for the appellant, learned

Special P.P. Ms. Usha Kumari No.1 and the learned counsel

appearing on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the

Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 02.04.2025 in A.B.A. No. 600/2025 passed by the
learned Exclusive Special Judge, SC/ST Act, Begusarai in
connection with Cheriya Bariyarpur P.S. Case No.19/2025,
registered under Sections 190, 191(2), 191(3), 109(1), 352,
351(1) of the BNS, 2023, Section 27 of the Arms Act as well as



Sections 3(1), 3(2)(va) of the SC/ST (POA) Act.

3. Learned counsel for the appellant submits that appellant is a person with clean antecedent and the informant alleges that a no confidence motion was brought against the Pramukh and Up-pramukh on 19.02.2025 by Manoj Bharti and others, the informant was opposing the no confidence motion, on account of which, Manoj, Raman, Dablu, Niranjan and Ajay were threatening him from his mobile as well as from mobile of others for sometime and were asking the informant to support the no confidence motion or he along with his family would be killed, next alleges that 19.02.2025 at 11 P.M. the accused persons came and fired seven rounds at his house but informant was not present but his mother was in the house and firing was resorted by the appellant and others.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that this appellant had brought a no confidence motion against the Pramukh and Up-pramukh and the informant was not supporting the no confidence motion i.e. the informant was on the side of Pramukh and Up-pramukh. It is



next submitted that informant also alleges that since he was not supporting the no confidence motion as such the appellant along with others were threatening him by their mobile and mobile of others but then the informant did not institute any case, when he was receiving the threatening. It is also submitted that no doubt allegation is of firing but then no one was injured in the firing. It is also submitted that informant himself alleges that he was not present at the house as such it creates a doubt that as to why the appellant along with other accused would have gone to the house of the informant to kill him, when no confidence motion was still pending and the no confidence motion was not brought against the informant but against the Pramukh and Up-pramukh. It is also submitted that informant is not an eyewitness to the occurrence nor the FIR even remotely suggests that the mother of the informant disclosed that who resorted to firing. It is also submitted that it might be a possibility that Pramukh and Up-pramukh hatched a conspiracy since a no confidence motion was brought against them by the appellant and others and in order to implicate them the informant has been used as a stooge.

5. Learned Special Public Prosecutor and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellant but then are not in a



position to rebut the submission of the learned counsel appearing on behalf of the appellant that informant is not an eyewitness to the occurrence nor his mother disclosed that it was the appellant and other who resorted to the firing nor the FIR even remotely suggests that the occurrence was witnessed by any independent witnesses.

6. After hearing the learned counsel for the parties, the order impugned is set aside. Let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

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

(Satyavrat Verma, J)

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