

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.173 of 2017

Arising Out of PS.Case No. -392 Year- 2015 Thana -FATEHPUR District- GAYA

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Chanarik Manjhi, S/o late Puna manjhi, r/v Vasua Sondhi Tand, P.S.-
Fatehupr, District-Gaya.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Braj Kishore Singh

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

5 04-04-2017 Heard learned counsel for the appellant as well as
learned Spl. P.P.

The appellant is apprehending his arrest in connection with Fatehpur P.S. Case No. 392/2015 registered under Sections 302, 201/34 of the Indian Penal Code as well as Sections 3(ii)(v) of the SC/ST (P.O.A.) Act and on account thereof, instant memo of appeal has been filed under the banner of Section 438 Cr.P.C.

It has been submitted on behalf of the appellant that he also happens to be member of schedule caste like the deceased, on account thereof, there would not be an application of SC/ST (POA) Act against him. Consequent thereupon, the barrier so prescribed under Section 18 of the SC/ST Act would not be applicable. Furthermore, it has also been submitted that no concrete, positive material in form of direct evidence or circumstantial one



has been collected against the appellant save and except inculpatory extra-judicial confessional statement of two accused, Briksh Manjhi, FIR named accused and subsequently Birju Manjhi. It has also been submitted that in the facts and circumstances of the case, it happens to be a fit case whereunder appellant may be released on anticipatory bail.

On the other hand, learned Spl. P.P. opposed the prayer and submitted that the investigation reveals some positive evidence because of the fact that the occurrence has been committed after hatching a conspiracy to eliminate the deceased Ramnath Manjhi.

The informant Gulabi Devi, who happens to be the wife of so alleged deceased Ramnath Manjhi, gave her fardbeyan disclosing therein that Briksh Manjhi along with two others came at her house and asked her husband to accompany so that he could come to his Sasural on account of which, her husband proceeded along with them but never returned. On the following morning, when they gone in search of deceased, his chapal, tobacco bin, torch were found in a Jangal and proceeding ahead therefrom, copious blood was found. Further more, after arrest of Briksh Manjhi he had shown a place where the deceased was done to death and from there also, blood was seized. Furthermore, it is



apparent that charge-sheet has already been submitted against Birju Manjhi and Briksh Manjhi while appellant along with others are absconding. Irrespective of the fact that the case has been registered in the year 2015 itself and there happens to be no cogent reason for their absence.

In the aforesaid facts and circumstances of the case as well as considering the conduct of the appellant, prayer for anticipatory bail is rejected.

(Aditya Kumar Trivedi, J.)

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