

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4135 of 2019

Arising Out of PS. Case No.-250 Year-2015 Thana- BHAGWANPUR District- Vaishali

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MANOJ SAHNI Son of Late Jhagru Sahni Resident of Asai Lacchiram, P.S.-
Bhagwanpur, Distt - Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Anil Kumar

For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 22-11-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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 for bail vide order
dated 26.08.2019 passed by learned 1st Additional Sessions
Judge cum Special Judge, Vaishali at Hajipur in connection with
Bhagwanpur P.S. Case No. 250 of 2015 registered under
Sections 302, 201, 120(B) of the Indian Penal Code and Section
3(ii) (v) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

Appellant is said to have extended threatening of



dire consequence to the husband of the informant over slapping him by her husband on teasing her girl by him two years back. As per some of the witnesses accounts, on teasing the daughter of the deceased by the appellant deceased had slapped him and there was panchayati and in the said panchayati the appellant and his father was humiliated in the village by putting garland of the shoe on their neck and resultantly the appellant had extended threatening of dire consequence to the deceased two years back.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case merely on suspicion. There is no eyewitness of the occurrence. Alleged threatening is said to have been given by the appellant two years back of the occurrence and much time has elapsed since the aforesaid threatening. Said threatening is itself not sufficient to implicate the appellant in the case and there is no cogent and convincing circumstances giving an hypothesis that it is only the appellant who has committed murder of the deceased. Appellant has no criminal antecedent and has been languishing in custody since 19.06.2018.

Learned Spl. PP for the State opposed the prayer for bail.



In the facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 250 of 2015.

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

(Prakash Chandra Jaiswal, J)

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