

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4407 of 2019**

Arising Out of PS. Case No.-119 Year-2019 Thana- DEEPNAGAR District- Nalanda

MANOJ YADAV Son of Sri Sahdeo Yadav Resident of Village/Mohalla-
Mahanandpur, P.S.- Deep Nagar, District- Nalanda.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajendra Prasad, Sr. Advocate. Mr. Ritesh Kumar, Advocate. Mr. Pramod Kumar, Advocate.
For the Respondent/s	:	Mr.Binay Krishna, Spl. PP.

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

ORAL ORDER

4 20-11-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 19.09.2019 passed by learned 1st Addl. Sessions Judge,
Nalanda at Biharsharif in Deepnagar P.S. Case No. 119 of 2019
registered under Section 302/34 of the Indian Penal Code,
Section 27 of the Arms Act and Section 3(i)(r)(s), 3(2)(v) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Three FIR named and some unknown miscreants



are said to have gunned down Bishundeo Manjhi and his son Anandi Manjhi over row of mining the sand. They had also extended threatening of dire consequence to the deceased three days preceding to the occurrence.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics. There is no eyewitness of the occurrence. Co-accused Sunil Yadav in his confessional statement has not named the appellant in the occurrence. He has been languishing in custody since 08.06.2019. Co-accused, namely, Vinay Yadav has been enlarged on regular bail by this court vide order dated 25.07.2019 passed in Cr. Appeal (SJ) No. 2505 of 2019. Hence the appellant may be enlarged on bail.

Per contra, learned Spl. PP for the State vehemently opposing the bail petition submitted that the appellant along with two other named accused persons had extended threatening of dire consequence to the deceased over row of mining sand three days preceding to the occurrence and aforesaid appellant along with some miscreants have gunned down the deceased while they were asleep. Number of witnesses in the case diary have unanimously stated that appellant along with others had



extended threatening of dire consequence to the deceased preceding to the occurrence over row of mining sand. Witness in Para-15 of the case diary has stated that at the time of occurrence, she was sleeping at a bit distance from the aforesaid deceased and responding firing sound she awoke and witnessed the appellant and other accused persons there. Other witnesses have also stated that they have seen the appellant and other accused persons escaping from the place of occurrence after the occurrence. Case of the accused Vinay Yadav stands on different footing as he is not named in the F.I.R. and there is nothing on record against him indicating his complicity in the occurrence barring his confessional statement and statement of spy about roaming of the said accused along with other accused persons near the house of the deceased preceding to the occurrence. Hence the appellant does not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Prayer for bail of the appellant is rejected.

However, learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within six months from the date of receipt/production of a copy of this order and S.P., Nalanda at Bihar Sharif is directed to ensure



production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to S.P., Nalanda at Bihar Sharif by fax for needful.

However, the appellant may renew his prayer for bail if the trial is not concluded within the stipulated period.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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