

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4185 of 2018

Arising Out of PS. Case No.-81 Year-2017 Thana- SAHODARA District- West Champaran

Babulal Manjhi son of Late Mangal Manjhi Resident of Village-
Kharkatwa,P.S. Sahodara,Distt.-West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 08-01-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 24.09.2018 passed by learned **1st Additional Sessions Judge-cum-Special Judge, West Champaran, Bettiah**, in connection with **Sahodara P.S. Case No.81 of 2017** registered under Sections 147, 341, 323, 324, 307, 308, 354, 504 and 506 of the IPC and Section 3 (i) (x) of SC/ST (Prevention of Atrocities) Act.

Informant has alleged in his written complaint that while he was in his house his co-villagers came and surrounded his house and they pressurized him to become member of '*Male*' Party and on his refusal he was assaulted by Shambhu Manjhi



and thereafter by Babulal Manjhi (appellant) by *Farsa* on his head and further allegation against Chandesh Manjhi is of causing *Bhala* injury on his abdomen and hand and Awadhesh Manjhi causing injury by *Farsa* on the eye of his brother and allegation of assault by *Lathi* is on Ranjeet Manjhi which caused injury to his wife and his son, and also abusing him by his caste name.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case on account of village rivalry. The injury report of informant has been enclosed as Annexure-2 in which all injuries have been opined to have been caused by hard and blunt substances and are simple in nature. There is no sharp cutting injury as alleged in the FIR. Appellant has got no criminal antecedent and is in custody since 24.09.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the



court concerned.

(2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the Appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the Appellant.

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

(S. Kumar, J)

ranjan/manoj-

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