

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.660 of 2020**

Arising Out of PS. Case No.-438 Year-2019 Thana- HILSA District- Nalanda

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GULSAN PRASAD Son of Yugal Ram Resident of Village - Kamta, Police
Station - Hilsha, District - Nalanda.

... .. Appellant.

Versus

The State of Bihar

... .. Respondent.

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Appearance :

For the Appellant : Mr. Anil Kumar Singh, Advocate.
For the State : Ms. Usha Kumari-1, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL JUDGMENT

Date : 15-07-2020

Heard learned counsel for the appellant and the learned
Additional Public Prosecutor for the State through Video
Conferencing.

2. This appeal under Section 14 (A) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989, is directed against the impugned order dated 04.01.2020
passed in Hilsa P.S. Case No.438 of 2019 by the 1st Additional
Sessions Judge, Nalanda at Biharsharif, whereby and
whereunder the 1st Additional Sessions Judge, Nalanda at
Biharsharif, rejected the prayer of the appellant to grant him bail
in connection with Hilsa P.S. Case No.438 of 2019 registered
under Sections 302/34 of the Indian Penal Code and, later on,
added Sections 3(1)(r)(s)/3(2)(V)(VA) of the SC/ST Act.



3. The prosecution case, in brief, is that Hulash Manjhi, the cousin of the informant Laximiniya Devi, was sitting at the well of the village, where Vinay Kahar, Balam Prasad, Gulsan Prasad (appellant), Manish Kumar and Shankar Kahar started to tease him on which Hulash Manjhi became annoyed and started to abuse them. Thereafter, all started to cause assault to Hulash Manjhi through fists and slaps and after dragging, took him near their house and caused assault to him. The villagers present there got set free to Hulash, who, then, came to his house but he could not move to the hospital for treatment due to late night and, on the next morning, i.e., 27.08.2019, he died.

4. Learned counsel for the appellant submits that it would appear from the F.I.R. that there is general and omnibus allegation against the appellant and other F.I.R. named accused to cause assault to the deceased Hulash Manjhi through fists and slaps. In the post-mortem report of the deceased, only swelling over his right shoulder in the size of 2" x 2" x 1/4" was found. Further submission is that the co-accused, namely, Manish Kumar and Shankar Kahar alias Shankar Kumar, have already been granted the privilege of bail by a coordinate Bench of this Court vide order dated 29.06.2020 passed in Criminal Appeal



(SJ) No.1270 of 2020. The appellant has no criminal antecedent and is in custody since 10.12.2019.

5. Having considered the facts and the circumstances of the case, the impugned order dated 04.01.2020 is set aside and this appeal is allowed. The appellant, above named, 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 the 1st Additional Sessions Judge, Nalanda at Biharsharif, in connection with Hilsa P.S. Case No.438 of 2019.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.07.2020.
Transmission Date	17.07.2020.

