

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1270 of 2020

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

1. Manish Kumar, Male, aged about 19 years, Son of Ajay Kahar @ Mukhia @ Jay Singh
2. Shankar Kahar @ Shankar Kumar, Male, aged about 19 years, Son of Birju Kahar. Both Resident of Village - Kamta, P.S.- Hilsa, Distt - Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rewti Kant Raman, Advocate
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-06-2020 Heard the parties through the virtual court proceeding.

The present appeal has been preferred against the order dated 20.01.2020 passed by Ist Additional Sessions Judge Cum Special Court SC/ST Atrocities Act, Nalanda at Bihar Sharif in connection with Hilsa P.S. Case No.438 of 2019 under Section 302/34 of the Indian Penal Code and Sections 3(1) (r), (s)/ 3 (2) (V) (Va) of the S.C./S.T. Act.

The allegation as per F.I.R. of the informant Laxminia Devi is that on 26.08.2019 at about 10 P.M. while her Fufera brother Hulas Manjhi was sitting on the well of his village, the accused persons including the appellants got him furious by telling some pinching words and when he started abusing them,



the accused persons brutally assaulted him. It is further alleged that since there was none in his house except the wife and children, he was not treated by any doctor in the night and ultimately, he succumbed to his injuries in the morning at 10 A.M.

Learned counsel for the appellants submits that the appellants have been falsely implicated by the informant due to village politics. The alleged sections have got no application against the appellants. The appellants had no intention to kill the deceased and no any specific weapon has been attributed in the hands of the appellants. Learned counsel for the appellants further submits that by the impugned order passed by the court below, which is mentioned in some paragraphs of the case diary. In paragraphs 14 and 13 of the case diary, there is no specific allegation against the appellants. Other independent witnesses have not supported the prosecution story and there is no specific overt act against the appellants.

Learned Additional Public Prosecutor for the State has opposed this appeal.

Considering the facts and circumstances of this case, let the appellants, above named, be released on bail, pending appeal, on furnishing bail bond of Rs.25,000/- (Rupees Twenty



Five Thousand) each only with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge, Biharsharif Nalanda in connection with Hilsa P.S. Case No.438 of 2019.

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

(Anjani Kumar Sharan, J)

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