

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1359 of 2020

Arising Out of PS. Case No.-152 Year-2019 Thana- BHAGWANPUR District- Begusarai

MANJESH KUMAR CHAUDHARY @ MANJESH KUMAR, aged about 24 years, Male, Son of Lako Chaudhary @ Ranjeet Chaudhary, Resident of Village - Manopur, P.S.- Bhagwanpur, District - Begusarai.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr. Ram Sumiran Rai, Advocate.
For the Respondent : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-07-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Learned counsel for the appellant is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of lifting of the lockdown in the State of Bihar.

Heard learned counsel for the parties.

The matter relates to grant of bail to the appellant in connection with Bhagwanpur P.S. Case No. 152/2019, arising out of G.R. No. 704 of 2019, registered for the offences under Sections 147, 341, 323, 380, 387, 504, 506, 354(B) of the IPC,



25(1-b)a, 26 and 27 of the Arms Act and Sections 3(r)(s) of the SC/ST Act.

The prosecution case, in short, is that all the F.I.R. named accused persons came armed with firearms at about 11.30 P.M. in the night, to the house of the informant Rupesh Paswan and abused him and misbehaved with female members of family and took jewellery from his house on the point of pistol and took the informant's cousin brother and father, abused and assaulted by calling his caste name and threatened to kill them if the informant would not give Rs. 50,000/-. Thereafter, the informant paid Rs. 50,000/- to co-accused Nitish Kumar and released them from the custody of the accused persons. The police came and then one of co-accused Amit Kumar was caught by the villagers alongwith pistol and live cartridges.

It has been submitted on behalf of the appellant that the appellant is in custody since 05.02.2020 and has got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the appellant. General and omnibus allegation has been made against the appellant. No specific overt act is alleged against the appellant. The present case has been



instituted due to previous enmity. The alleged occurrence has not occurred at a public place or in a public view.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 05.03.2020, passed by learned Special Judge SC/ST (POA) Act, Begusarai, in connection with Bhagwanpur P.S. Case No. 152/2019, arising out of G.R. No. 704/2019, is set aside. The criminal appeal is allowed.

Accordingly, the appellant, above named, is directed to be released on bail on his personal bond to the satisfaction of learned Special Judge SC/ST (POA) Act, Begusarai, in connection with Bhagwanpur P.S. Case No. 152/2019, arising out of G.R. No. 704/2019.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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