

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1042 of 2020

Arising Out of PS. Case No.-538 Year-2019 Thana- BODHGAYA District- Gaya

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DHARMENDRA MANJHI Son of Late Pairu Manjhi Resident of Village -
Jaitiya, P.S.- Bodhgaya (Cherki), Distt - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Amrendra Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-02-2021 Learned counsel for the appellant is directed to

remove the defects, as pointed out by the Office, within a period

of four weeks.

Heard learned counsel for the appellant and learned
counsel for the State.

The appellant has challenged the order dated
31.01.2020 passed by learned Exclusive Special Judge, SC/ST,
Gaya in ABP No. 30 of 2020 in connection with Bodhgaya
(Cherki) P.S. Case No. 538 of 2019 registered for the offences
under sections 341, 323, 504, 506, 354, 307, 34 of the Indian
Penal Code and 3(i)(r)(s)(w)(I) of SC/ST Act whereby the
prayer made on behalf of the appellants for grant of anticipatory
bail has been rejected.

Prosecution allegation, in short, is that the appellant



used filthy language and assaulted the informant with bamboo stick on head due to which she sustained injury.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. The alleged date of occurrence is said to be 12.12.2019 and the case was instituted on 15.12.2019. The delay has not been explained by the prosecution. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

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

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 31.01.2020 passed by learned Exclusive Special Judge, SC/ST, Gaya in ABP No. 30 of 2020 in connection with SC/ST Bodhgaya (Cherki) P.S. Case No. 538 of 2019 by which the anticipatory bail of the appellant was rejected.

Let the appellant above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on



furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Bodhgaya (Cherki) P.S. Case No. 538 of 2019.

The appeal stands allowed.

(Sudhir Singh, J)

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