

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.3069 of 2021**

Arising Out of PS. Case No.-303 Year-2020 Thana- DIGHWARA District- Saran

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AKHLENDRA MANJHI @ KETAN MANJHI S/O SUPAN MANJHI R/o
village- Kuraiya (Paguraka), P.S.- Dighwara, Distt.- Saran at Chapra

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Ms.Rajani Kumari, Advocate

For the Respondent/s : Mr.Usha Kumari 1, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 14-09-2021 Heard learned counsel for the appellant and Ms. Usha
Kumari-1, learned Special Public Prosecutor for the State.

Appellant, in the present appeal is seeking setting aside the order dated 22.02.2021 passed by learned Additional Sessions Judge – cum – Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Dighwara P.S. Case No. 303/2020 registered for the offence under Section 302, 201/34 of the Indian Penal Code and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Appellant is in custody since 28.12.2020. He has gone one criminal antecedent.

As per the prosecution story, some dispute arose over transaction of money between the son of the informant (since deceased) and his co-villagers namely Pradeep Rai, Jitesh Rai,

Amarjit Rai and Sanjeet Rai. All the named accused had threatened his son to kill. It is alleged that on 10.12.2020 at about 9:30 A.M. all the four named accused persons took away the son of the informant to Diara but thereafter the son of the informant did not return.

Learned counsel submits that the appellant is not named in the First Information Report. His name has transpired in the confessional statement of the co-accused Jitesh Rai. It is submitted that Jitesh Rai who is named in the F.I.R. has already been granted privilege of regular bail by a learned coordinate Bench of this Court in Cr. Appeal (SJ) No. 1857/2021.

Learned Special P.P. for the State has though opposed the prayer for regular bail of the appellant but after going through the case diary, learned Spl.P.P. has categorically informed this court that save and except the confessionals statement of the co-accused in which the name of the appellant has transpired, no other material muchless any scientific material is available in the case diary.

Considering the facts and circumstances of the case, there being no eye witness to the occurrence and the co-accused who is named in the F.I.R. have already been granted bail, this Court sets-aside the impugned order and directs release of the

appellant above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge - 1st – cum – Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Dighwara P.S. Case No. 303/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.