

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3115 of 2021**

Arising Out of PS. Case No.-83 Year-2021 Thana- UCHKAGAON District- Gopalganj

PAWAN MANJHI Son of Surendra Manjhi Resident of Village - Paschim
Mohalla, Mirganj, P.S.- Mirganj, Dist.- Gopalganj, Bihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sumit Shekhar Pandey, Adv.

For the Respondent/s : Mr. Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

4 14-09-2021

Re: I.A.no. 1 of 2021

Having heard learned counsel for the parties and taking into consideration the contents of the petition of the interlocutory application, the Court is of the opinion that the appellant has made out a case for condonation of delay in filing of the appeal. The delay is condoned.

I.A. no.1 of 2021 is allowed.

Heard learned counsel for the parties through video conferencing.

The instant appeal has been preferred against the order dated 7.4.2021 passed by the learned Additional District and Sessions Judge-II, Gopalganj whereby the prayer for bail of the appellant in a case registered under sections 341, 342, 353, 269 and 324 of the Indian Penal Code, section 45 of the Bihar Prohibition and Excise Act, 2016 and section 3 of the SC and ST



(Prevention of Atrocities) Act, was rejected.

As per prosecution case, the informant was kidnapped by the five named accused persons including the appellant herein. Thereafter he was intoxicated. On a raid being conducted the accused persons were taken into custody. He was left near the railway track.

It is submitted by learned counsel for the appellant that the appellant himself belonging to the category of Scheduled Caste, no offence under the SC and ST Act would be made out against him. The allegations are general and omnibus in nature. He has no criminal antecedent. He is in custody since 14.3.2021 and charge sheet has been submitted in the case.

Heard learned Spl.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the appellant not having any criminal antecedent, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 7.4.2021 passed by the learned Additional District and Sessions Judge-II, Gopalganj, is set aside.

The appellant is directed to be enlarged on bail in connection with Uchkagoan P.S. Case No. 83 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of the
learned Additional District and Sessions Judge 2nd, Gopalganj.

(Partha Sarthy, J)

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