

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2131 of 2020

Arising Out of PS. Case No.-431 Year-2019 Thana- ATRI District- Gaya

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KEDAR MANJHI Son of Manu Manjhi @ Mano Manjhi Resident of Village -
Dihuri, P.S.- Atri, District - Gaya.

... ... Appellant

Versus

The State of Bihar

... ... Respondent

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Appearance :

For the Appellant/s : Mr. Manish Kumar No. II, Adv.
: Mr.Gajendra Kumar Singh, Adv
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.
For the Informant : Mr. Priyaranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 02-02-2021 Heard Mr. Manish Kumar No. II, learned counsel

for the appellant and Mr. Priyaranjan, learned counsel for the

informant. The State is represented by Mr. Binay Krishna,

learned Special P.P.

This appeal is directed against the order dated

18.09.2020 passed in B.P. No. 229 of 2020 arising out of

Atri P.S. Case No. 431 of 2019, instituted for the offence

under Sections 302, 120(B), 201 and 34 of the Indian Penal



Code and Section 3(i)(r)(s)(u) of the SC/ST (Prevention of Atrocities), Act, whereby the prayer made on behalf of the appellant for grant of bail has been rejected.

The informant, who is the father of the deceased has alleged in the First Information Report that his son (deceased) was kept in captivity for sometime but later his dead body was recovered. In the F.I.R., the informant has suspected the names of some persons and has attributed motive to them for having killed the deceased. The appellant has not been named even remotely in the F.I.R.

Later one Shaukeen Manjhi is said to have given a statement under Section 164 Cr.P.C. alleging that he saw the deceased being thrown in a water body and while he was being attacked, the appellant had caught hold of his hands.

Learned counsel for the appellant has submitted that the deceased went missing from 28.09.2019 but the F.I.R. was registered on 06.10.2019. He further submits that without any basis, a witness, namely, Shaukeen Manjhi has been planted and his statement has been recorded under Section 164 Cr.P.C. on 09.11.2019. It has also been



submitted that no statement under Section 161 Cr.P.C. of the aforesaid Shaukeen Manjhi has been recorded by the police during the course of investigation. The appellant, it has been urged, had no enmity with the deceased or his family in any manner whatsoever. In that view of the matter, it has been argued that the statement under Section 164 Cr.P.C. of the aforesaid Shaukeen Manjhi ought not to be accepted in its entirety for rejecting the bail of the appellant.

The appellant is stated to be in custody since 25.08.2020 and does not have any criminal antecedent.

No suspicion, it is true, has been levelled against the appellant in the First Information Report. The probable reason for the appellant and others having killed the deceased has also not been investigated by the police. The statement of the Shaukeen Manjhi though has been recorded under Section 164 Cr.P.C. but his statement under Section 161 Cr.P.C. has not been recorded.

Nonetheless what concerns this Court is that if any person is falsely implicated, there is always a reason behind



the same. Either it is based on suspicion or is an attempt on the part of the interested persons in botching up the investigation. Nothing has been brought on record or argued with respect to the purpose behind falsely implicating the appellant. The appellant may not have any enmity with the deceased but so is the case with the Shaukeen Manjhi. Shaukeen Manjhi does not appear to have any enmity with the appellant. It is not certain that he has deposed at the instance of the informant or the police.

The investigation over this aspect of the matter of-course is slipshod but considering the fact that without any motive, which could be purposeful or revengeful, the name of appellant has been taken by the so called eye-witness, I am not inclined to grant bail to the appellant.

The prayer for grant of bail is rejected.

However, if there is no substantial progress in the case within the next six months, it would be open for the appellant to approach the court below for grant of bail and in that event the court below shall be required to state the reasons for non conclusion of trial within the aforesaid



period.

The appeal stands dismissed.

(Ashutosh Kumar, J)

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