

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.846 of 2021**

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

Laldeep Manjhi @ Buchu Manjhi, Son of Gopal Manjhi, Resident of Village-
Dihuri, P.S.-Atri, District-Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Shivendra Prasad, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Informant	:	Mr. Sanjeev Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

4 21-05-2021 This matter has been taken up today for consideration through video conferencing in view of resurgence of COVID-19 Pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Yesterday (20.05.2021) the matter had been taken up, but was adjourned for enabling the Counsel for the appellant to send copies of the order passed on the bail application of the other co-accused persons.

Heard Mr. Shivendra Prasad, learned counsel for the appellant and Mr. Sanjeev Kumar, learned counsel for the



informant as well as Mr. Binay Krishna, learned Special P.P. for the State.

The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against the refusal of his prayer for regular bail, vide order dated 09.09.2020 passed by learned Exclusive Special Judge SC/ST, Gaya, in connection with Atri P.S. Case No.431 of 2019 instituted for the offence under Sections 302, 120(B), 201/34 of the I.P.C. and Section 3 (i)(r) (s)(v) of the SC/ST(POA) Act and also for setting aside the aforesaid order dated 09.09.2020.

The prosecution case is that the informant's son left home on 28.09.2019 never to return. F.I.R. has been lodged on 06.10.2019 raising suspicion against the appellant and others as earlier they had threatened the deceased.

Counsel for the appellant submits that there is no eye-witness to the occurrence. The informant has lodged the case on suspicion. The instant appellant is in custody since 25.08.2020.

The submission is that implication of the appellant is based on the statement of one Shaukeen Manjhi who much after lodging of the FIR has come forward to claim that he has seen the appellant and some others, including Kedar Manjhi, while



the dead body was being taken for being dumped. Further submission is that such belated statement of Shaukeen Manjhi cannot come in the way of consideration of prayer for bail of the appellant-an undertrial. This Court in Cr.Appeal(SJ) No.41 of 2021 has considered the statement of Shaukeen Manjhi and after considering the same, allowed the bail of the co-accused by holding that such belated statement cannot come in the way of consideration of prayer for bail.

Mr. Sanjeev Kumar, learned counsel for the informant, however, submits that on facts, the appellant's case stands on different footing as Shaukeen Manjhi has stated that he has seen the appellant catching hold of the hand of the deceased while throwing him in the field, however, no such statement has been made against Kabir Khan and Samsher Khan, who has been allowed bail in Cr.Appeal(SJ) No.41 of 2021.

Such factual inconsistency, in the opinion of this Court, cannot make any difference inasmuch as the prayer for bail made on behalf of other accused persons and this petitioner. In Cr.Appeal(SJ) No.41 of 2021, this Court has specifically considered the belated statement of Shaukeen Manjhi and held that the same cannot come in the way for consideration of



prayer for bail. The appellant is also stated to be a man of clean antecedents.

Mr. Binay Krishna, learned Spl.P.P. has also appeared for the State and opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow appellant's prayer for bail.

Accordingly, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST, Gaya, in connection with Atri P.S. Case No.431 of 2019.

In the result, the appeal is allowed and the impugned order dated 09.09.2020 is set aside.

This Court would expect that the appellant's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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