

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.224 of 2021**

Arising Out of PS. Case No.-720 Year-2017 Thana- BARACHATTI District- Gaya

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KAILU MANJHI @ KAILASH BHUIYAN @ KAILASH MANJHI SON OF
BALKISUN BHUIYAN RESIDENT OF VILLAGE-KHURUA, P.S.-
MOHANPUR, DISTRICT-GAYA, BIHAR.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Avinash Kumar Singh, Advocate
For the Respondent/s : Mr. Usha Kumari No.1, APP

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

2 26-02-2021 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

The appellant, in the present case, is seeking to set aside the order dated 03.10.2020 passed by learned Special Judge, SC/ST, Gaya in Barachatti P.S. Case No. 720 of 2017 registered for the offences punishable under Section 467, 420, 406, 120(B) of the Indian Penal Code and Sections 3(i)(r)(s) of SC/ST (Prevention of Atrocities) Act.

Learned Counsel for the appellant submits that as per the prosecution story this appellant has introduced the complainant to one Akhilesh Kumar who is said to be a high rank officer in railway for getting government job to his sons. It is alleged that the informant and others had advanced the



accused persons an amount of Rs. 9,42,200/- on different dates through cheque or cash. It is further alleged that after three months when the informant demanded his money the accused persons assaulted him by fists and slaps and by taking his caste name.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. Learned counsel submits that the appellant has no role to play in receiving any amount from the informant. It is further submitted that the appellant has got no criminal antecedent and he is in custody since 08.09.2020.

Learned Spl. P.P. for the State has opposed the prayer for regular bail of the appellant.

Having regard to the facts and circumstances of the case, wherein the allegation against this appellant is that on the asking of the co-accused including the present appellant, on the account number provided by co-accused Akhilesh Kumar some amount has been transferred and some amount were paid to him in presence of this appellant for obtaining a job in Railway through the co-accused Akhilesh Kumar who is said to be a high rank officer in the railway, this Court having appreciated that the informant himself had been a party to an illegal agreement to



obtain a government job by paying money, his conduct being not fair, this appellant is said to be in custody since 08.09.2020 and prior to the present case he had got no criminal antecedent, the impugned order is set-aside.

Let the appellant named above be released 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 Special Judge, SC/ST Act, Gaya in connection with Barachatti P.S. Case No. 720 of 2017, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify



the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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.

This appeal stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

