

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1002 of 2021**

Arising Out of PS. Case No.-149 Year-2020 Thana- KHAJANCHI HAT District- Purnia

MANISH RAI @ MANISH KUMAR Son of Late Sukkho Ray @ Late Sukhdeo Ray R/o Village- Subhash Nagar, Near V. Mart, P.S.- K. Hat, District- Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

|                      |   |                                                          |
|----------------------|---|----------------------------------------------------------|
| For the Appellant/s  | : | Mr. N.K. Agrawal, Sr. Adv.<br>Mr. Dr. Bidhu Ranjan, Adv. |
| For the Respondent/s | : | Mr. Binay Krishna, SPP                                   |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      12-03-2021                      Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 28.11.2020 passed by learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST Act, Purnea in connection with Special SC/ST Case No. 37 of 2020/CIS No. 37 of 2020 registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation is that the appellant along with others after hatching up conspiracy killed the husband of the informant.

It is submitted by learned counsel for the appellant



that appellant is innocent and has been falsely implicated in this case. He submits that informant's husband was called by co-accused Santosh Yadav. So far as this appellant is concerned, save and except suspicion there is no material against him. Informant is not the eye-witness of the said occurrence. He submits that similarly situated co-accused has been granted privilege of bail by a coordinate Bench of this Court in Cr. Appeal No. 1063 of 2021 on 02.03.2021. He further submits that appellant is languishing in judicial custody since 09.09.2020.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with K.Hat (Sahayak) P.S. Case No. 149 of 2020, subject to the conditions:

(I) The appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the



Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(II) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

Accordingly, the impugned order is set aside and this appeal is allowed.

**(Anjani Kumar Sharan, J)**

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