

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.485 of 2022**

Arising Out of PS. Case No.-150 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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MANSHU KUMAR SON OF RAM BAHADUR KAHAR @ RAM
BAHADUR RAM R/O VILLAGE- KAITHMA, P.S.- BEGUSARAI
MUFFASIL, DISTRICT- BEGUSARAI

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shubhesh Pandey, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl.PP

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

4 30-03-2022 Heard learned counsel for the parties.

The instant appeal has been preferred against the order dated 5.1.2022 passed by the learned Special Judge, SC/ST (POA), Begusarai whereby the prayer for bail of the appellant in connection with Mufassil P.S. Case No. 150 of 2020 registered under sections 3(1)(r), 3(1)(s) and 3(2)(v) of the SC & ST (Prevention of Atrocities) Act was rejected.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 5.7.2021 (Annexure-1) passed in Cr. Appeal (SJ) no.685 of 2021. The allegations against the petitioner are general and omnibus in nature. In a case under section 307 of the Indian Penal Code besides other sections, the appellant has



remained in custody since 26.6.2020 ie 1 year 9 months and there is no chance of the trial concluding in the near future.

Heard learned A.P.P. for the State.

As per the report received contained in letter dated 22.3.2022 from the Exclusive Special Judge, SC/ST(POA) Act, Begusarai no witness has been examined on behalf of the prosecution till now.

The appeal is opposed by learned Spl.P.P. for the State as also learned counsel appearing for the informant.

Having heard learned counsel for the parties and taking into consideration the allegation against the appellant and appellant having remained in custody for 1 year 9 months, the Court is inclined to allow the appeal. The appeal is allowed and the order 5.1.2022 passed by the learned Special Judge, SC/ST (POA), Begusarai is set aside.

The appellant is directed to be enlarged on bail in connection with Mufassil P.S. Case No. 150 of 2020 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 learned Special Judge, SC/ST (POA), Begusarai.

It is directed that the appellant shall cooperate in the trial and shall remain physically present on each date in the



trial. In case, the learned trial Court is of the opinion that the trial is being delayed due to noncooperation on part of the appellant, the learned trial Court may cancel the bail bond of the appellant and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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