

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1667 of 2022

Arising Out of PS. Case No.-188 Year-2021 Thana- MAGADH UNIVERSITY District- Gaya

Kailu Manjhi @ Kailu Bhuiyan Son Of Balchand Manjhi @ Balchand
Bhuiyan R/O- Vill-Moramardna, P.S.- Magadh University, Dist.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Binod Manjhi Son Of Chotelal Manjhi R/O- Vill- Dadpur, P.S.- Magadh University, Dist.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Priya Ranjan, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-06-2022 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 against the refusal of the prayer of the order dated 12.01.2022 by which the regular bail of the appellant in connection with Magadh University P.S. Case No. 188 of 2021 registered under Sections 370, 374, 34 of the Indian Penal Code and Section 3(1)(r) of the SC/ST Act and 14(1) of the Child Labour and Adolescent Act, 1986, in I.A. No. 01 of 2022 has been rejected on 24.03.2022 by the learned Exclusive Special Judge SC/ST, Gaya.



Allegedly the appellant and other co-accused persons took away the minor children and handed over them to some strangers after taking money from them. One of the children was son of the informant.

Learned counsel for the appellant submits that no offence of SC/ST Act is made out against the appellant as he is himself a person of Scheduled Caste. The F.I.R. has been registered after three months of the occurrence and this shows the informant and others themselves sent away their children for work and case has been registered only due to dispute for payment of money. In their statement under Section 164 Cr.P.C. children stated that there were some monetary dispute for labour charges and for this reason the F.I.R. has been registered. The appellant is in custody since 28.01.2022.

Learned Special Public Prosecutor for the State submits that the appellant and co-accused were involved in traffic and sold away the children of the informant in other State to different persons.

Having regard to the submission made hereinabove and considering the fact that the appellant is himself a person of Scheduled Caste category and there is no specific allegation of any overt act against the appellant and further considering the



period of custody, this appeal is allowed. The impugned order dated 24.03.2022 passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with Magadh University P.S. Case No. 188 of 2021 is set aside.

Let the appellant above named be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST Act, Gaya in connection with Magadh University P.S. Case No. 188 of 2021, subject to the following conditions :

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Arun Kumar Jha, J)

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