

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2050 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- DARAUNDA District- Siwan

Manish Chaurasia @ Manish Chaurasiya, S/o Man Kumar Chaurasia, R/o village- Katwar, P.S.- Daronda, District- Siwan, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Dashrath Manjhi, S/o Vikrama Manjhi, R/o village- Katwar, P.S.- Daronda, District- Siwan, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prashant Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 13-10-2022

Vide order dated 29.09.2022, an explanation has been called for from the concerned Registrar for not attaching the case diary with the record, though it was received in July itself.

An explanation has been submitted by the Joint Registrar (List) wherein it has been mentioned that due to heavy workload, this mistake has occurred and apology has been sought.

For the reasons mentioned in the explanation, the same is accepted and the office is directed to remain cautious in future in such matters.

Heard learned counsel for the appellant and learned Spl.PP for the State.

Though the notice has been validly served upon informant/respondent no.2 but no one is present on his behalf, despite service of notice. Hence, the matter is put up for hearing.



Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 18.05.2022 passed by the learned Additional Sessions Judge-1-cum-Special Judge (SC/ST) Act, Siwan in connection with Daraunda P.S. Case No. 74 of 2022, registered for the alleged offences under Sections 447, 341, 323, 302, 504, 506 and 34 of the Indian Penal Code and Section 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (POA) Act.

As per the prosecution case, the appellant and other co-accused persons armed with *lathi* and *danda* came to the house of the informant and started assaulting him. When the daughter and the sister-in-law of the informant tried to save him the assailants assaulted them and the daughter of the informant became unconscious. While she was being taken to hospital for treatment she died on her way.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The true fact of the case is that the informant is agnate of Tribuvan Manjhi and Rahul Manjhi who were having a fight in which the informant had tried



to mediate and in turn he himself started fighting with them and lodged the instant case. During investigation no injuries were found on the person of the informant or his sister-in-law. The house of the appellant is situated at quite distance from the place of occurrence and his name was introduced at the instance of one Gan Singh due to previous enmity. During investigation the fact also came to knowledge that it was co-accused Rahul Manjhi who had assaulted the deceased and the post-mortem report shows only one bruise was found on the chin of the deceased and no other injuries were found so it falsifies the assault by the appellant on the daughter of the informant. The appellant is in custody since 20.03.2022 and the charge sheet has been submitted in this case.

Learned Spl.PP opposes the prayer for bail. However, he concedes that in paragraphs 4, 5, 8, 19 and 20 of the case diary the informant and other witnesses have stated about Rahul Manjhi assaulting the daughter of the informant and she becoming unconscious by this assault.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general and non-specific nature of allegation against this appellant and further considering his period of custody and submission of charge sheet, the appellant above named is directed to 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 Additional Sessions Judge-1-cum-Special Judge (SC/ST) Act, Siwan in connection with Daraunda P.S. Case No. 74 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the appellant will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the appellant, preferably one of the parents.
- (iii) The appellant will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

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

(Arun Kumar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.10.2022
Transmission Date	14.10.2022

