

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2234 of 2022

Arising Out of PS. Case No.-311 Year-2021 Thana- FATEHPUR District- Gaya

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1. UMESH MANJHI Son of Late Sukhdeo Manjhi, Resident of village - Ambedkar Nagar, P.S.- Fatehpur, District - Gaya.
 2. Dinesh Manjhi Son of Late Sukhdeo Manjhi, Resident of village - Ambedkar Nagar, P.S.- Fatehpur, District - Gaya.
 3. Nanhak Manjhi Son of Late Camshare Manjhi, Resident of village - Ambedkar Nagar, P.S.- Fatehpur, District - Gaya.

... .. Appellants

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vinod Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 02-11-2022

Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

The present appeal has been preferred under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 06.05.2022 for the alleged offence under sections 302 and 34 of the Indian Penal Code read with sections 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act, 1989.

As per the prosecution, the informant has narrated and made allegation against 5 named accused persons including the present appellants called her husband on pretext of chicken meal and took away with them. Allegation of killing and thrown his dead body in a river is there in the F.I.R..

Learned counsel for the appellants submits that appellants are innocent and have committed no offence. He further submits that the name of appellants have figured in this case merely on suspicion. There is no eye-witness of the said occurrence and no material has come against the present appellants showing their involvement in the alleged crime. Counsel for the appellants further submits that antecedents of the appellants are clean and they are in custody since 22.04.2022. Counsel further submits that charge sheet has already been filed in this case. Counsel for the appellants further submits that other co-accused person has already been granted bail by the Co-ordinate Bench of this Court vide order dated 22.09.2022 passed in Cr. Appeal (SJ) No. 1711 of 2022.

Learned Spl. P.P. for the State opposes the prayer for bail but fairly submits that in the case diary there is no cogent material available against the appellants.

In the present facts and circumstances of the case and the submissions made above, let the appellants above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Court, Gaya in connection with Fatehpur P.S. Case No. 311 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

Accordingly, the impugned order dated 06.05.2022 passed by learned SC/ST Court, Gaya in connection with Fatehpur P.S. Case No. 311 of 2021 lodged under sections 302 and 34 of the Indian Penal Code read with sections 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is set aside and the present Cr. Appeal (SJ) stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	