

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3489 of 2021**

Arising Out of PS. Case No.-307 Year-2020 Thana- UDAKISHUNGANJ District-
Madhepura

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MANOHAR MUNI Son of Jhaskho Muni Resident of Village - Badiya Basa,
P.S.- Udakishunganj, Dist.- Madhepura.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Dashrath Rishideo Late Ganga Rishideo R/O-Domarahi, Ward no.-02, P.S-
Udakishunganj, District-Madhepura

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Abhay Shankar Singh
For the Respondent/s	:	Mr.Sadanand Paswan
For the Informant	:	Mr.Pawan Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 24-03-2022 Heard learned counsel for the appellant, learned counsel
for the informant and learned Spl.P.P. for the State.

Learned counsel for the appellant undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

This is an appeal under section 14A of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act (hereinafter, in short referred to as SC/ST Act) against the refusal of prayer for bail vide order dated 03.08.2021, passed by learned Additional Sessions Judge-I -cum-Special Judge- SC/ST Act, Madhepura, in connection with SC/ST Case No.92/2020, arising



out of Udakishunganj P.S. Case No.307 of 2020, registered under sections 307, 120(B)/34, 326 of the IPC, 27 of the Arms Act and sections 3(2)(v) of the SC/ST (POA) Act.

Allegedly, all the FIR named accused persons including the appellant have shot upon the son of the informant on his head, due to which he died at the spot.

It is submitted by learned counsel for the appellant that no such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case only on suspicion. There is general and omnibus allegation against the appellant and no specific overt act is alleged against the appellant. There is no eye-witness to the alleged occurrence. It is further submitted that no offence under the SC/ST Act is made out against the appellant as no where it is mentioned that the incident has been committed due to their belonging to the SC/ST Caste. Similarly situated co-accused has been granted by a co-ordinate Bench of this Court vide order dated 30.07.2021 passed in Cr. Appeal (SJ) No.1319/2021. The appellant has no criminal antecedent and has been languishing in custody since 05.10.2020.

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

In the facts and circumstance of the case, considering the



custody undergone and that the similarly situated co-accused have been granted bail, the above named appellant is directed to be released on bail “*after framing of charge*”, on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned learned Additional Sessions Judge-I -cum-Special Judge- SC/ST Act, Madhepura, in connection with SC/ST Case No.92/2020, arising out of Udakishunganj P.S. Case No.307 of 2020.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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