

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4256 of 2021**

Arising Out of PS. Case No.-130 Year-2018 Thana- PARSA District- Saran

SANTOSH MANJHI Son of Late Punkal Manjhi Resident of Village-
Bajitpur, P.S.- Parsa, Dist.- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandra Mohan Jha, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 01-02-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual mode.

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 u/s 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 10.09.2021 passed by learned 1st Additional Sessions Judge-cum Special Judge, SC/ST (POA) Act, Saran at Chapra, registered under sections 302, 120B, 201, 34 of the IPC and 3(2)(va) of the SC/ST (POA) Act.

The prosecution case in brief, is that the informant's



(appellant's) daughter, aged about 15 years went missing on 06.07.2018 and during search, it came to knowledge that one Vikesh Kumar @ Vikash Kumar, who has threatened the girl in coaching class was also missing from his house. Thereafter, the deadbody of the informant's daughter was found lying in an orchard. It is alleged that the said Vikash Kumar, in connivance with other accused persons have committed the murder of the informant's daughter.

It is submitted by learned counsel for the appellant that the appellant is quite innocent and has committed no offence. Appellant has been falsely implicated in the case due to ulterior motive. From perusal of the FIR itself, it is clear that the informant has not put any specific allegation upon the appellant rather the specific allegation is against Vikash Kumar, Arun Kumar, Anup Kumar and Janak Mahato. After investigation, police has submitted charge sheet against Vikash Kumar @ Vikesh Kumar only. Thereafter, the police interrogated the accused Vikash Kumar on 05.11.2020, who disclosed the name of appellant (informant) alleging that the informant/appellant along with his family members are themselves involved in killing his own daughter and only on the basis of this statement, the appellant has been made accused in this case. It is further



submitted that no offence under the SC/ST is made out against the appellant/informant as he belongs to the SC/ST community. The appellant is languishing in custody since 10.08.2021 and has no criminal antecedent.

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

Considering the facts and circumstances of this case and on perusal of the records, it is apparent that the charge sheet has been submitted against the accused Vikash Kumar on 31.08.2018 and later on, on the statement of the same accused, the appellant/informant and others have been made accused in this case. As such, I am inclined to enlarge the appellant on bail, who has undergone custody of more than five months.

Accordingly, the above named appellant is directed to be released on bail 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 1st Additional Sessions Judge-cum Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Parsa P.S. Case No.130 of 2018.

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

(Anjani Kumar Sharan, J)

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