

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1256 of 2023**

Arising Out of PS. Case No.-568 Year-2022 Thana- FATEHPUR District- Gaya

BISKARMA MANJHI @ VISHWKARMA MANJHI @ VISHAMBHAR
MANJHI Son of Umesh Manjhi R/V- Kosmahar, PS- Fatehpur Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Parmanand Paswan son of Late Baleshwar Paswan R/V- Chapri, PS- Fatehpur Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Priya Ranjan

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 16-05-2023 Heard learned counsel for the appellant as well as
learned counsel for the informant.

This appeal has been preferred on behalf of the appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 15.12.2022 passed by the learned special judge, SC/ST, Gaya arising out of Fatehpur P.S. Case No. 568 of 2022, registered for the offences punishable under Sections 341, 323, 376, 504, 506 of the Indian Penal Code & Section 3(i)(r)(s) of SC and ST (Prevention of Atrocities) Act and further section 376/34 of the IPC, whereby the prayer for bail of the appellant has been rejected.

As per allegation, co-accused Rahul Manjhi along with 5-6 unknown persons abused and assaulted the daughter of the



informant namely Rubi Kumari.

At the very outset, the learned counsel for the appellant has submitted that the appellant himself belongs to Scheduled Caste, as such, the provisions of SC/ST is not attracted against him. Consequently, the notice to the informant is not required in this case of hearing a criminal miscellaneous petition of the appellant. He has submitted further that the appellant is not named in the FIR and even the victim has not named him in her statement recorded under Section 164 of Cr.P.C. He is under custody since 01.11.2022.

As such, the appeal is allowed and the impugned order dated 15.12.2022 passed by the learned special judge, SC/ST, Gaya is set aside.

Considering the above-mentioned facts and circumstances as well as clean antecedent of the petitioner, the appellant above-named, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, Gaya in connection with Fatehpur P.S. Case No. 568 of 2022.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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