

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1555 of 2023

Arising Out of PS. Case No.-408 Year-2022 Thana- WARISLIGANJ District- Nawada

Manoj Prasad @ Manoj Mahto S/O Dukhan Mahto, R/O Village- Jhour, P.S.- Warisaliganj, Distt.- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Birendra Tanti S/O Shri Tanti, R/O Village- Jhour, P.S- Warisaliganj, Distt.- Nawada.

... .. Respondents

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 05-06-2023

Heard learned counsel for the appellant, counsel for the informant and learned Special Public Prosecutor for the State.

2. Learned counsel for the appellant submits that the present criminal appeal has been filed against the order dated 09.02.2023 passed by learned I/c Special Judge, Exclusive Special Court SC/ST (POA) Act, Nawada in connection with Regular Bail Petition No. 207 of 2023 arising out of Warisaliganj P.S. Case No. 408 of 2022 dated 24.07.2022 lodged under sections 147, 148, 149, 341, 323, 504, 506, 354(B) and 302 of I.P.C., section 3(i)(r)(s) of SC/ST (Prevention of Atrocities) Act and section 27 of the Arms Act.

3. As per prosecution, F.I.R. has been lodged against 17 named accused persons including the present appellant. It has been alleged that all the accused persons have entered in the house of the informant and specific allegation against one accused namely Brajesh Mahto to shot on the chest of the nephew of the informant due to which he died on spot.

4. Counsel for the appellant submits that there are two criminal cases pending against the present appellant in which he is on bail. Counsel further submits that appellant is in custody since 15.11.2022. He further submits that other co-accused of this case having similar allegation have been granted bail by the Co-ordinate Bench of this Court vide order dated 04.05.2023 passed in Cr. Appeal (SJ) No. 1207 of 2023 and order dated 12.05.2023 passed in Cr. Appeal (SJ) No. 1298 of 2023 with two analogous cases bearing Cr. Appeal (SJ) No. 1300 of 2023 and Cr. Appeal (SJ) No. 1320 of 2023.

5. Learned Spl. P.P. for the State opposes the prayer for bail.

6. Counsel for the informant vehemently opposes the prayer for bail and submits that it is true that direct allegation is against the Brajesh Mahto but the name of all the accused persons have been specifically narrated in the F.I.R.

7. In the present facts and circumstances of this case and the submissions made above, let the appellant above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court SC/ST (POA) Act, Nawada in connection with Warisaliganj P.S. Case No. 408 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The appellant shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the appellant.

C. The appellant shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

8. Order dated 09.02.2023 passed by learned I/c

Special Judge, Exclusive Special Court SC/ST (POA) Act,
Nawada in connection with Regular Bail Petition No. 207 of
2023 arising out of Warisaliganj P.S. Case No. 408 of 2022
Appeal is hereby set aside.

9. With this observation, the present Cr. Appeal (SJ)
stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	