

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3206 of 2023**

Arising Out of PS. Case No.-341 Year-2021 Thana- CHANDI District- Nalanda

Julum Manjhi @ Chandeshwar Manjhi S/O Punna Manjhi R/O Village-
Bahadurpur, Ps. Chandi, Dist. Nalanda

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sikandar Ravidas S/O Surendra Ravidas R/O Village- Gogia, Ps. Chandi,
Dist. Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 28-07-2023 Heard learned counsel for the appellant as well as
learned Spl.P.P. for the State.

2. Learned counsel for the appellant is directed to
make necessary corrections in paragraph 1 of the appeal.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 31.05.2023
passed by the learned Special Judge, SC/ST Nalanda at
Biharsharif in connection with SC/ST Case No. 171 of 2021
arising out of Chandi P.S. Case No. 341 of 2021, F.I.R. dated
23.08.2021 registered under Sections 341, 323, 302, 504, 201/34
of the Indian Penal Code and Section 3(i)(r) (3) (h), 3(ii) (v) of
the Scheduled Castes and Scheduled Tribes Act.



4. According to the prosecution case, due to a money dispute, the brother-in-law of the informant has been beaten to death by all the accused persons including the appellant.

5. Learned counsel for the appellant submits that appellant has clean antecedent and they has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it transpires that, there is general and omnibus allegation against all the accused persons including the appellant and there is no specific allegation of assault or overt act attributed against the appellant. He further submits that the similarly situated co-accused, namely, Indrajit Kumar has been granted bail by the Co-ordinate Bench of this Court vide order dated 02.03.2022 passed in Cr. App. (SJ) No. 4492 of 2021, co-accused, namely, Chhote Prasad @ Pramod Kumar has been granted bail by the Co-ordinate Bench of this Court vide order dated 19.05.2022 passed in Cr. App. (SJ) No. 4942 of 2021 and another co-accused, namely, Dinesh Prasad has been granted bail by the Co-ordinate Bench of this Court vide order dated 19.05.2022 passed in Cr. App. (SJ) No. 280 of 2022. He further submits that the police, after



investigation, submitted charge sheet against the appellant. The appellant are in custody since 16.05.2023.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and submits that the appellant was also involved in the present occurrence.

7. Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Nalanda at Biharsharif in connection with SC/ST Case No. 171 of 2021 arising out of Chandi P.S. Case No. 341 of 2021, with other following conditions:-

1. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



3. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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