

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3106 of 2022

Arising Out of PS. Case No.-188 Year-2021 Thana- MAGADH UNIVERSITY District- Gaya

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Bilash Manjhi Son Of Jageshwar Manjhi @ Jageshar Manjhi R/O Village -
Mora Mardana, P.S.- Magadh University, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Binod Manhi Son of Late Chote Lal Manjhi R/o vill- Dadpur, P.S.- Magadh
University, Dist - Gaya

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3246 of 2022

Arising Out of PS. Case No.-188 Year-2021 Thana- MAGADH UNIVERSITY District- Gaya

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Mukesh Manjhi Son of Nanka Manjhi Resident of Village - Matihani, P.S.-
Magadh University, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Binod Manjhi Son of Chotelal Manjhi Resident of Village - Dadpur, P.S.-
Magadh University, District - Gaya.

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3106 of 2022)

For the Appellant/s : Mr. Kamal Kumar Sinha

For the Respondent No.1: Mr. Binay Krishna



For the Respondent No.2: None
(In CRIMINAL APPEAL (SJ) No. 3246 of 2022)
For the Appellant/s : Mr. Priya Ranjan
For the Respondent No.1: Mr. Binay Krishna
For the Respondent No.2: None

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 12-01-2023 Despite service of notice, nobody is present on behalf of the informant.

Heard Ld. counsel for the appellants and Ld. APP for the State.

This criminal appeal has been filed to enlarge the appellants on bail, impugning the order dated 22.08.2022, passed by the Ld. Exclusive Judge, SC/ST, Gaya in connection with I.A. No. 04/22 arising out of Magadh University P.S. Case No. 188 of 2021, registered for the offences punishable under Sections 370, 374, 34 of the Indian Penal Code and Sections 3 (I) (r) SC/ST Act and Section 14 (1) Child Labour and Adolescent Act, 1986, whereby bail has been denied to the appellant.

The prosecution story as emerges from the FIR is that appellant and other co-accused persons took away the minor children and handed over them to some strangers



after taking money from them. One of the children was son of the informant.

Ld. counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. He further submits that FIR has been lodged only on account of dispute in regard to non-payment of labour charge. He also submits that children had gone with the accused-petitioner on their own sweet will to do work. He further submits that FIR has been lodged after three months. He also submits that investigation in this case is complete and charge-sheet has already been submitted. He further submits that co-accused namely, Kailu Manjhi and Rajesh Yadav has already been enlarged on bail vide order dated 30.06.2022 and 14.07.2022 passed in Cr. Appeal (SJ) No. 1667 of 2022 and Cr. Appeal (SJ) No. 1348 of 2022 respectively.

He further submits that the appellants have been languishing in jail since 11.08.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellants have no criminal antecedents.



It is also stated in paragraph no. 2 of the appeal that the appellants have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellants for bail submitting that this is trafficking of minor children for physical exploitation which is punishable for not less than seven years and the case of the prosecution is fully supported by the statements of the victim children as recorded under Section 164 of the Cr. P.C.

Considering the aforesaid facts and circumstances, particularly the nature of the allegation and the material on record, I am not persuaded to enlarge the appellant on bail at this stage. As such, there is no infirmities in the impugned order.

This appeal is accordingly dismissed.

However, Ld. Trial Court is directed to expedite the trial. In case, the trial is not concluded within a period of six months, the appellants are at liberty to renew his prayer for bail.



Ld. counsel for the appellants is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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