

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3244 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- DARAUNDA District- Siwan

RAHUL MANJHI Son of Lotan Manjhi Resident of Village - Katwar, P.S.-
Daraunda, District - Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dasrath Manjhi Son of Late Bikaram Manjhi Resident of Village - Katwar,
P.O.- Katwar, P.S.- Daraunda, District - Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Raghav Prasad
For the Respondent No-1:		Ms. Usha Kumari 1
For the Respondent No-2:		Mr. Gajendra Kr. Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 19-01-2023 Heard Ld. counsel for the appellant, Ld. Special

Public Prosecutor for the State and Ld. Counsel for the

Informant/Respondent No-2.

This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 27.04.2022,
passed by Ld. Additional Sessions Judge-cum-Special Court,
Siwan, in connection with Daraunda P.S. Case No. 74 of
2022, registered for the offences punishable under Sections
447, 341, 323, 504, 504, 302 and 34 of the Indian Penal
Code and Section 3(2) (Va) of the SC/ST, whereby bail has
been denied to the appellant.



The prosecution case as emerging from the FIR is that the appellant and his associates armed with *lathi* and *danda* came to the house of the informant and started assaulting him. It is further alleged that when the daughter and sister-in-law of the informant tried to save him, the accused persons also assaulted the daughter of the informant due to which she became unconscious and succumbed to the injuries.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He also submits that other co-accused person, namely, Manish Chaurasia has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 13.10.2022 passed in Cr. Appeal (SJ) No. 2050 of 2022. He further submits that investigation in the case is complete and charge-sheet has already been submitted but charge has not been framed till date.

He further submits that the appellant has been languishing in jail since 25.03.2022

It has also been stated in paragraph no. 3 of the



appeal that the appellant has no criminal antecedents.

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

However, Ld. Special Public Prosecutor for the State and Ld. Counsel for the Informant vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, **this appeal is allowed**, setting aside the impugned order dated 27.04.2022, passed by Ld. Additional Sessions Judge-cum-Special Court, Siwan, and directing the appellant to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge-cum-Special Court, Siwan in connection with Daraunda P.S. Case No. 74 of 2022, **after framing of charge, if not already framed**, on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.



(ii) The appellant will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellant has any criminal antecedents, the Ld. trial court shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, the Ld. trial court shall cancel the bail bonds of the appellant.

Ld. counsel for the appellant 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)

ashishkr/-

U		T	
---	--	---	--

