

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3361 of 2022

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

MANTU CHAURASIA @ MANI BHASKAR KUMAR S/O- Man Kumar
Chaurasia R/V- Katwar, P.S.- Daronda, Distt- Siwan, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dashrath Manjhi S/o Late Vikrama Manjhi R/V- Katwar, P.S.- Daronda,
Distt- Siwan, Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prashant Kumar, Advocate
For the State	:	Mr. Binay Krishna, APP
For the Respondent No.2:	:	Mr. Udit Narayan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 11-04-2023 Learned counsel appearing for the appellant, learned
counsel for the respondent No. 2 and learned APP for the State
are present and they are heard.

The instant appeal has been filed under Section 14(A)
(2) of SC/ST (Prevention of Atrocities) Act, 1989 against the
order dated 22.08.2022 passed by Learned Additional Sessions
Judge-I-cum-Special Court, Siwan in connection with
Daranunda P.S. Case No. 74 of 2022, dated 19.03.2022
registered for the offences punishable under Sections 447, 341,
323, 302, 504, 506 and 34 of the Indian Penal Code and



Sections 3(2)(va) of SC/ST Act whereby and whereunder the appellant's prayer for bail has been rejected.

The main submissions advanced by appellant's counsel are that on account of dispute with regard to the place of *Holika Dahan* informant's agnates, Tribhuvan Manjhi and Rahul Manjhi entered into a dispute with prosecution party which resulted in a fight in between them and during that course, informant's sister-in-law and daughter intervened who were assaulted by the co-accused, Rahul Manjhi and other co-accused persons and as per the statement of some material witnesses recorded during the course of investigation the specific allegation as to assaulting the deceased Priti Kumari is against the co-accused Rahul Manjhi, on the body of deceased only one *bruise* on her chin was found and the same was attributed against the co-accused Rahul Manjhi who has been granted bail by a co-ordinate Bench of this Court vide order passed in CR.APP (SJ) No. 3244 of 2022 and the appellant's case stands on better footing from the said co-accused and co-accused namely, Manish Chaurasia @ Manish Chaurasiya has also been granted bail by a co-ordinate Bench of this Court vide order passed in CR. APP (SJ) No. 2050 of 2022 and in the FIR there is no any specific allegation against the appellant and the alleged



occurrence is not stated to have taken place in a planned manner and the same took place in the spur of moment due to a dispute relating to place of *Holika Dahan*. Further submission is that the appellant has criminal antecedent of one case in which he has been granted anticipatory bail and he has been languishing in jail since 13.08.2022 and against him the investigation has been completed.

Learned counsel for respondent No. 2 has vehemently opposed the appeal and submitted that the order impugned has been rightly passed and the instant appeal is liable to be dismissed.

Considering the above submissions and mainly the facts that in the FIR there is no specific allegation against the appellant and as per above submissions the main and specific allegation as to assaulting the deceased is against co-accused Rahul Manjhi who is on bail and an other co-accused, Manish Chaurasia @ Manish Chaurasiya is also on bail, in my opinion the appellant deserves to the privilege of bail. Accordingly, the order impugned is hereby set aside and the instant appeal stands allowed and the appellant is directed to 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 the



concerned Court in connection with Daraunda P.S. Case No. 74
of 2022.

(Shailendra Singh, J.)

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