

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3089 of 2022**

Arising Out of PS. Case No.-124 Year-2022 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. Pawan Kumar Son of Om Prakash @ Omprakash Sah Resident of Village - Hajpurva, P.S.- G.B. Nagar, District - Siwan, Bihar
 2. Yogendra Sah @ Yogendra Sonar Son of Bal Kishun Resident of Village - Hajpurva, P.S.- G.B. Nagar, District - Siwan, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Arjun Kumar Son of Virendra Manjhi Resident of Village - Sadikpur, P.S.- Pachrukhi, District - Siwan, Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3743 of 2022

Arising Out of PS. Case No.-124 Year-2022 Thana- GAUTAMBUDHNAGAR District-
Siwan

Sushil Manjhi @ Sushil Kumar Manjhi Son Of Paras Manjhi R/O Village-
Hajpurwa, P.S.-G.B. Nagar, District- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Arjun Kumar Birendra Manjhi Resident of Village-Sadikpur, P.S.- Pachrukhi, District- Siwan

... .. Respondent/s

Appearance :



(In CRIMINAL APPEAL (SJ) No. 3089 of 2022)

For the Appellant/s : Mr. Prashant Kumar , Shashank shekhar dubey
For the Respondent/s : Mr. Sadanand Paswan, Ashok Kumar Sinha,
Amar Azad

(In CRIMINAL APPEAL (SJ) No. 3743 of 2022)

For the Appellant/s : Mr. Ajay Kumar Pandey, Shubham Kumar Mishra
For the Respondent/s : Mr. Binay Krishna, Ashok Kumar Sinha,
Amar Azad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 12-01-2023 Heard Ld. counsel for the appellants, Ld. APP for
the State and Ld. Counsel for the Informant/Respondent.
No.2.

This criminal appeal has been filed to enlarge the appellants on bail, impugning the order dated 28.07.2022, passed by Ld. Additional Sessions Judge-I-cum- Special Court, Siwan in connection with G.B. Nagar P.S. Case No. 124 of 2022, registered for the offences punishable under Sections 147, 341, 323, 307, 379, 504, 506 of the Indian Penal Code and Section 3(1)(r),(s) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities Act), whereby bail has been denied to the appellant.

The prosecution story as emerges from the FIR is that on 29.04.2022, when the informant was returning



from his sister's house, 15-20 persons surrounded him near Hajpura Village and started abusing him taking his caste name and also assaulted him with farsa and iron rod due to which the informant sustained severe injury. Further, the informant also informs that his brother Ranjan was also abused and assaulted on his head by means of sword by the accused persons including the appellants. Allegation of snatching Rs. 25,000/- on the accused persons is also there.

Ld. counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. He further submits that there was no intention on the part of any accused to kill persons otherwise, they could have been killed. Investigation in this case is complete and charge-sheet has already been submitted. Though charge has not been framed yet.

He further submits that the appellants, Pawan Kumar and Yogendra Sah have been languishing in jail since 08.07.2022 and 18.08.2022 respectively.

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 and Ld. Counsel for the informant vehemently opposes the prayer of the appellants for bail.

Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated 28.07.2022, passed by Ld. Additional Sessions Judge-I-cum- Special Court, Siwan, and directing the appellants to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge-I-cum- Special Court, Siwan in connection with G.B. Nagar P.S. Case No. 124 of 2022, **after framing of charge, if not already framed**, on the following conditions:

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



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

(iii) The appellants 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 them 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 appellants have any criminal antecedents, Ld. trial court shall cancel the bail bonds of the appellants after hearing them and getting satisfied that the appellants have concealed their criminal antecedents despite their 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, Ld. trial court shall cancel the bail bonds of the appellants.

vi. After getting enlarged on bail if the appellants cause any damage to the informant or try to influence any



witness, their bail bonds will be liable to be cancelled by the Trial Court.

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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