

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4251 of 2023**

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

Albela Manjhi @ Ayodhya Lal Manjhi Son Of Shree Manjhi R/O Vill -
Katwar, P.S. - Daraunda, Distt. - Siwan

... .. Appellant/s

Versus

1. The State Of Bihar
2. Dashrath Manjhi Son of late Bikarma Manjhi R/o vill - Katwar, P.S. -
Daraunda, Distt. - Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Tiwary
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 09-11-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 28.08.2023 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in Daraunda P.S. Case No. 74 of 2022 whereby the prayer for bail of the appellant registered under Sections 447, 341, 323, 302, 504, 506/34 of the Indian Penal Code and sections 3(2)(va) of SC/ST Act was rejected.

As per allegation in the FIR, while the informant was at his door, five accused persons including the appellant came there with lathi and danda and started to abuse him by taking



cast name. When lady members came there to protest them, they assaulted Priti Kumari by slaps as a result of which she became unconscious and died during the course of treatment. It is further alleged that they threatened the informant of dire consequences.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. General and omnibus allegation has levelled against the appellant. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. A statement has been made in para 3 of the petition that petitioner has got no criminal antecedent. Similarly situated several co-accused persons have been granted bail by different co-ordinate Benches of this Court. Appellant is languishing in judicial custody since 14.08.2023.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 28.08.2023 passed in Daraunda P.S. Case



No. 74 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Daraunda P.S. Case No. 74 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan.

(Sunil Kumar Panwar, J)

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