

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4351 of 2022

Arising Out of PS. Case No.-51 Year-2018 Thana- SC/ST District- Muzaffarpur

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1. Sankar Sah Son Of Jagdish Sah R/O Garjaul Paharpur, Murgichouk, P.S.- Mahua, Distt.- Vaishali
 2. Bipin Sah @RAVI Ranjan Kumar Son Of Janaradan Sah R/O Chintawanpur, P.S.- Belsar, Distt.- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Nanki Manjhi Son Of Late Buchai Manjhi R/O Gauan (bangra Hardas), P.S.- Kurahni, Distt.- Muzaffarpur

... .. Respondents

Appearance :

For the Appellant/s : Mr. Shyam Anand

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 02-08-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 26.04.2023 but nobody appeared on behalf of the respondent no.2.

3. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 25.11.2020 passed by learned Additional District & Sessions Judge 3rd Cum Special Judge SC/ST Act,



Muzaffarpur in connection with Muzaffarpur SC/ST P.S. Case No. 51 of 2018, registered under Section 364 of the Indian Penal Code and Section 3 (i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. Only on suspicion the appellants have been made accused in the present case. The appellants were also a labour and co-accused Ganesh Manjhi, is the contractor of labour, he works to get the work done by taking labourers out, meanwhile Ganesh Manjhi was known to appellants and the appellant's and the informant's son were also going to be taken outside to get their job, due to which the informant's son was known to the appellants, the co-accused Ganesh Manjhi had promised the appellants that he will give them Rs.10,000/- in advance but at the time of department he did not gave them any advance to the appellants therefore, the appellants did turn up to got with Ganesh Manjhi. In the case diary it has also come that the nearby shop also supported his fact that son of the informant is himself fled away from the place of the occurrence. There is no evidence against the appellants in the case diary that appellants have killed or connected with the son of the informant.



Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State opposes the prayer for bail.

6. In the facts and circumstances of the case, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge 3rd Cum Special Judge SC/ST Act, Muzaffarpur in connection with Muzaffarpur SC/ST P.S. Case No. 51 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

8. Appellants are directed to cooperated in the investigation because the investigation is still going on.

(Anjani Kumar Sharan, J)

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