

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.61 of 2023

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

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TRIBHUWAN MANJHI SON OF LOTAN MANJHI R/O VILL.- KATWAR,
P.S.- DARAUNDA, DISTT.- SIWAN

... .. Appellant/s

Versus

1. The State of Bihar
2. DASRATH MANJHI SON OF LATE BIKARAM MANJHI R/O VILL.-
KATWAR, P.O.- KATWAR, P.S.- DARAUNDA, DISTT.- SIWAN

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Raghav Prasad
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-04-2023 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 01.08.2022 passed by learned Additional Sessions Judge-cum-Special Court, Siwan in Daraunda P.S. Case No. 74 of 2022 whereby the prayer for bail of the appellant registered under Sections 447, 341, 323, 504, 506, 302/34 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. 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. They have got no criminal antecedent. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 13.10.2022 passed in Cr. Appeal (SJ) No. 2050 of 2022. Appellant is languishing in judicial custody since 28.6.2022.

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 1.8.2022 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 Additional Sessions Judge-I-cum-Special Judge, Siwan.

(Sunil Kumar Panwar, J)

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