

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1039 of 2024

Arising Out of PS. Case No.-6 Year-2023 Thana- KARJA District- Muzaffarpur

Mukesh Rai @ Mukesh Kumar Ray Son of Baleshwar Ray Resident of
Village- Narhar Sarai, Naya Tola, Police Station- Karza, District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Shankar Manjhi Son of Late Ghuna Manjhi Resident of Village- Narhar Sarai, P.S.- Karza, Dist.- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nachiketa Jha

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-08-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 28.06.2024, he has informed the informant/complainant but none is present on his/her behalf.

3. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 09.01.2024, passed by learned Special Judge (SC/ST Act), Muzaffarpur in connection with Karza P.S. Case No. 06 of 2023



registered under Sections 302/34 of the IPC and Sections 3(2) (va) of SC/ST Act.

4. Appellant along with other accused persons are said to have assaulted the brother of the informant due to which he died.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case due to suspicion. He submits that there is no specific overt act against the appellant. He submits that the informant is not the eye witness of the case. He submits that the charge has been framed against the appellant and there is no allegation of tampering with the prosecution witness by the appellant. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal and he is languishing in judicial custody since 25.09.2023.

6 Learned Spl. PP for the State opposed the prayer for bail.

7. Considering the facts and circumstances of the case and the period of custody, the above named appellant, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act),



Muzaffarpur in connection with Karza P.S. Case No. 06 of 2023,
subject to the conditions:

(I) that the appellant will be well represented on each
and every date fixed in the case and if he fails to do so on two
consecutive dates his bail bonds shall be liable to be cancelled.

(II) that the appellant shall co-operate with the
investigation, if not already concluded and make himself
available and when so required and in case of failure, the State
shall be at liberty to move for cancellation of bail.

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

(Anjani Kumar Sharan, J)

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