

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1301 of 2024

Arising Out of PS. Case No.-33 Year-2022 Thana- GANGTA District- Munger

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1. Ramanand Manjhi S/o Mahendra Manjhi R/o Vill - Beldara, P.S. - Gangta, Dist. - Munger
 2. Pankaj Kumar @ Pankaj Yadav @ Abhimanyu Yadav S/o Late Bindi Yadav R/o Vill - Beldara, P.S. - Gangta, Dist. - Munger

... .. Appellant/s

Versus

1. The State of Bihar
2. Manju Devi W/o Sri Ram Praveen Manjhi, R/o Vill - Beldara, P.S. - Gangta, Dist. - Munger Mobile No. 7070311198

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uttam Mishra, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 01-05-2024 1. Heard learned counsel for the appellants and Mr. Sadanand Paswan learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 12.12.2023 in A.B.P. No. 1725 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Munger in connection with Gangta P.S. Case No. 33 of 2022 registered under Sections 363 and 364 of the Indian Penal Code as well as Sections 3(i)(r)(s) and 3(2)(va) of the



SC/ST Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and have been falsely implicated in the present case by the respondent no. 2 with an allegation that her daughter on 02.03.2022, at about 05:00 a.m., in the morning had gone to attend the call of nature when she was kidnapped by Rohit Manhji @ Amit Manjhi and Pankaj Yadav @ Abhimanu Yadav, accordingly, the respondent no. 2 went to the house of Ramanand Manhi for inquiring about the victim when he threatened and disclosed that the victim now will not be recovered.

4. Leaned counsel for the appellants submits that appellant no. 1 is father of Rohit Manhji @ Amit Manjhi and Pankaj Kumar @ Pankaj Yadav @ Abhimanyu Yadav (appellant no. 2) is friend of Rohit Manhji @ Amit Manjhi and as such have been falsely implicated in the present case. It is further submitted that the police, after threadbare investigation, came to a considered conclusion that appellants have been falsely implicated and thus submitted final form exonerating them of the allegation but submitted charge-sheet only against Rohit Manhji @ Amit Manjhi. It is also submitted that the learned trial court differing with the police report took cognizance in a



mechanical manner. It is thus submitted that whether it would be prudent for this Court to send the appellants to jail when one investigating agency, after threadbare investigation, has come to a considered conclusion that they are innocent and based on the same investigation cognizance has been taken.

5. Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

6. Considering the submissions of the learned counsel for the appellants, let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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