

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3556 of 2022

Arising Out of PS. Case No.-146 Year-2020 Thana- JANTA BAZAR District- Saran

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1. RAJU MANJHI Son of Chanar Manjhi @ Chandar Manjhi R/V- Basahi, P.S- Janta Bazar, Dist- Saran
 2. Deepak Manjhi Son of Jainath Manjhi R/V- Basahi, P.S- Janta Bazar, Dist- Saran
 3. Mantu Manjhi Son of Chanar Manjhi @ Chandar Manjhi R/V- Basahi, P.S- Janta Bazar, Dist- Saran
 4. Rajesh Manjhi Son of Bachan Manjhi R/V- Basahi, P.S- Janta Bazar, Dist- Saran
 5. Arti Devi Wife of Jainath Manjhi R/V- Basahi, P.S- Janta Bazar, Dist- Saran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sushil Kumar Paswan Son of Jagdish Manjhi A Resident of Basahi, P.S- Janta Bazar, Dist- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Harish Kumar, Adv
For the Respondent/s	:	Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

10 03-05-2024 Heard learned counsel for the appellants and learned Special P.P. for the State as well as learned counsel for the respondent no.2/informant, on point of admission and on merit also.

2. The appellants have preferred the present appeal under Section 14A(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 bail vide order dated 05.07.2022 passed by the learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in A.B.P. No.1002 of 2022 in connection with Janta Bazar P.S. Case No. 146 of 2020 registered under Sections 147, 148, 149, 447, 341, 302, 120(B) and 506 of Indian Penal Code, Section 27 of Arms Act and Sections 3(1)(r)(s) and 3(2)(v) of SC/ST Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Notice has been issued to Respondent no.2, served upon but, he failed to join present proceedings.

5. The appellants are named in F.I.R.

6. The allegation against the appellants is to commit murder of brother of the informant along with other co-accused persons, equipped with deadly weapons and also with firearms.



7. Learned counsel for the appellants submitted that appellants are also member of same castes/community, as such, SC/ST Act is not applicable in the present case *qua* appellants. It is submitted that specific allegation of assault is against co-accused, Mrityunjay Pandey and allegation as regard to firing is against co-accused Pushkar Pandey, where allegation against appellants is very much general and omnibus to call deceased road side only along with fourteen named co-accused persons. It is also submitted that appellant no. 1 is involved in one criminal case, whereas rest of the appellants are found involved in two criminal cases in which, they are on bail. While concluding the argument, it is submitted that from a bare perusal of FIR, it appears that there is no overt act against the appellants.

8. Learned counsel for the appellants submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in **State of Madhya Pradesh Vs.**



**Parasram @ Purushottam, as reported in 2015
(153) AIC 276.**

9. Learned Special P.P. for the State while opposing prayer for anticipatory bail, fairly conceded the fact that allegation against appellants are very much general and omnibus in nature.

10. In view of the aforesaid factual submissions, as no overt act appears to be attributed against the appellants, where allegation is limited only to call deceased to the road side, accordingly, all the above-named accused/appellants, in event of their arrest or surrender before the trial court within a period of four weeks, are directed to be released on bail in connection with Janta Bazar P.S. Case No. 146 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-3rd-cum-Special SC/St Court, Saran, subject to the following conditions:



“(i) That appellants shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the appellants.

(ii) Accused/appellants shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the appellants duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

11. Accordingly, impugned order dated 05.07.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J.)

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