

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4140 of 2023

Arising Out of PS. Case No.-111 Year-2018 Thana- NAWADA MUFFASIL District- Nawada

Naresh Manjhi Son Of Budhan Manjhi Resident Of Village - Takht Roja
(KHARANT), Police Station - Mufassil, District - Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Bablu Manjhi Son Of Karu Manjhi Resident Of Village - Kharant Tola
Bhawani Bigha, Police Station - Mufassil, District - Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Birendra Kumar, Advocate

For the State : Mr. Binay Krishna, APP

For the Informant : *None*

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 22-02-2024 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State.

2. Learned counsel for the State, at the very outset,
informed this Court that information was given to Informant,
but no one turned up on behalf of the Informant.

3. The instant appeal has been filed by the appellant
against the order dated 14-06-2023 passed by learned In-Charge
Special Judge Exclusive Special Court (SC/ST) (P.O.A) Act,
Nawada, whereby the prayer for bail of the appellant in
connection with Special Case No. 123 of 2018, arising out of



Mufasil P.S. Case No. 111 of 2018 instituted for the offence under Sections 302, 201/34 of the Indian Penal Code and Section 3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for brevity SC/ST Act) was rejected.

4. Earlier on 16-10-2023, this Court has called for a report from the Court of learned In-charge Special Judge, Exclusive Special Court, SC/ST (POA) Act, Nawada with regard to stage of trial, the number of witnesses to be examined and the expected duration that will take to conclude the trial. Report dated 30-10-2023 has been received and it is to the effect that four out of seven charge sheeted witnesses have been examined and trial is likely to conclude within six months.

5. Prosecution case, in short, is that informant's 10 years old son was missing. On search he came to know that dead body of his son was hanging at near west Dargah. It is further alleged that one day before the occurrence, Naresh Manjhi and Kaushal Yadav threatened the informant because informant denied to give them meal.

6. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. There is no specific allegation that it is the appellant, who was



responsible for the death of the victim. The further submission is that similarly situated co-accused, namely, Kaushal Yadav has been allowed bail in Cr. Appeal (SJ) No. 40 of 2022. Charge-sheet has been submitted in this case. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 26-07-2018 (more than 5 years) and has no criminal antecedent.

7. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the petitioner.

8. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 14-06-2023 passed by learned In-charge Special Judge, Exclusive Special Court (SC/ST) (POA) Act, Nawada, is hereby set aside.

9. Let the appellant be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court
below/concerned Court in connection with Special Case No.
123 of 2018 arising out of Muffasil P.S. Case No. 111 of 2018.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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