

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4239 of 2023

Arising Out of PS. Case No.-262 Year-2022 Thana- GAYA MUFASIL District- Gaya

Parhalad Manjhi @ Pagla Manjhi Son Of Late Surendra Manjhi @ Ajuba
Manjhi Village- Abgila Pahartali Bhuiya Tola Ps- Muffasil Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Baby Devi wife of Sanjay Paswan Village- Pahartali Bhuiya Tola Ps-
Muffasil Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deepak Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 11-01-2024 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated 08.08.2023 passed by learned Exclusive Special Judge (SC/ST), Gaya in connection with Muffasil P.S. Case No. 262 of 2022 instituted for the offences punishable under Sections 452, 147, 148, 149, 323, 376, 386, 511, of the Indian Penal Code and Sections 3(2)(v) of the SC & ST Act whereby his prayer for being released on anticipatory bail has been rejected.

As per prosecution case, the informant alleged



that the appellant and co-accused forcibly entered her room and tried to outrage her modesty and also committed theft of valuable articles in her home and fled away.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case. The appellant has not committed any offence and there is also no specific allegation levelled against him. The appellant has not abused her in public view, so no provisions under SC/ST Act was made out against the appellant. The appellant was not apprehended from the spot. There is general and omnibus allegation against the appellant. The appellant is languishing in custody since 17.05.2023.

In contra, learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated



08.08.2023 passed by learned Exclusive Special Judge (SC/ST) Act, Gaya in connection with Muffasil P.S. Case No. 262 of 2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to 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 learned Exclusive Special Judge (SC/ST), Act, Gaya in connection with Muffasil P.S. Case No. 262 of 2022.

(Sunil Kumar Panwar, J)

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