

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4938 of 2023

Arising Out of PS. Case No.-56 Year-2022 Thana- GARHI District- Jamui

Vijay Yadav @ Anil Yadav @ Anil Kumar Son of Shri Sharda Yadav Village
Ranhan P.S Sikandra District Jamui

... .. Appellant/s

Versus

1. The State of Bihar
2. Manoj Kumar Manjhi Son of Dhirangi Manjhi @ Dhiranji Manjhi R/o vill -
Dhaubghat, P.S. - Khaira, Distt. - Jamui

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
For the Informant	:	Mr. Bharat Lal, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 26-04-2024 Heard Mr. Yogesh Chandra Verma, learned Senior
counsel appearing for the appellant, Mr. Bharat Lal, learned
counsel appearing on behalf of the Informant and Mr. Sadanand
Paswan, learned Special Public Prosecutor for the State.

2. This is an appeal under Sections 14(A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act (hereinafter referred to as the “SC/ST Act”)
against the refusal of prayer for regular bail vide order dated
05.10.2023 passed by the learned Additional Sessions Judge 1st
Jamui-cum-Special Judge, SC/ST (P.O.A) Act in connection
with SC/ST Case No. 56 of 2023 arising out of Garhi P.S. Case
No. 56 of 2022, F.I.R. dated 03.11.2022 registered under Section



302/34 of the Indian Penal Code, Section 27 of the Arms Act but later on Section 3(2)(v) of the SC & ST P.O.A. Act.

3. The prosecution case, in brief, is that one Monoj Kumar Manjhi submitted written report that he received telephonic message on 02.11.2022 at 11:30 P.M. from his brother-in-law that two persons entered into his house and assaulted to the sister of the informant who got seriously injured and she was taken to Sadar Hospital, Jamui and the informant found her dead on the stretcher in a pool of blood.

4. Learned Senior counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and initially the appellant was not named in the F.I.R. and the name of the appellant has been transpired in the case on the basis of restatement of the informant and the same was not corroborated with the medical evidence. He further submits that the other co-accused against whom the similar allegation namely Ravindra Kumar Yadav @ Ravindra Yadav @ Rivandra Kumar has been granted bail by this Court vide order dated 18.09.2023 passed in Cr. Misc. No. 38319 of 2023. He further submits that the police after investigation submitted chargesheet against the appellant



and the appellant is in custody since 03.06.2023.

5. Learned Special Public Prosecutor for the State as well as learned counsel appearing on behalf of the Informant have vehemently opposed the prayer for bail of the appellant and submits that from perusal of the F.I.R. it appears that the appellant was actively participated in the present crime in question and the informant has categorically stated that the appellant was involved in the present occurrence and apart from that the appellant carries four more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in all the pending matters.

6. Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st, Jamui-cum-Special Judge SC/ST P.O.A. Act in connection with SC/ST Case No. 56 of 2023 arising out of Garhi P.S. Case No. 56 of 2022, with the following conditions :-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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