

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4975 of 2023

Arising Out of PS. Case No.-161 Year-2022 Thana- MAIRWAN District- Siwan

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Dhananjay Gond @ Bullet Gond S/o Ramashish Gond Resident of Village-
Barasu, Brindawan, PS.- mairwa, District - Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramashankar Manjhi S/o Late Srikishun Manjhi Resident of Village-
Srinagar, PS.- mairwa, District - Siwan.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ranjan Kumar Dubey, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 10-05-2024

Learned counsel for the appellant is permitted to make
necessary correction in the petition with regard to period of
custody.

2. Heard learned counsel for the appellants and learned
Spl.PP for the State.

3.This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail by
order dated 30.09.2023 passed by the learned Additional
Sessions Judge, 1st -cum- Special Judge, Siwan, in connection
with Mairwa P.S. Case No. 161 of 2022, registered on
22.04.2022, for the alleged offences under Sections 302, 201,



120(B) and 34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

4. As per the prosecution case, the appellant called out the son of the informant and thereafter he became traceless. Later on, the informant came to know that the appellant and other co-accused persons committed the murder of his son.

5. The learned counsel for the appellant submits that from the facts of the FIR it is apparent that the informant is not an eye-witness. The son of the informant was allegedly called out by the appellant Bullet Gond, but there is no eye-witness to the occurrence of killing of the son of the informant and the appellant has falsely been implicated in the present case merely on suspicion. It is not clear how the informant came to know about the involvement of the appellant in this case. It has also come to the knowledge during investigation that the deceased entered into the house of one Vijay Ram and tried to outrage the modesty of his sister and on shout being made, he was thrashed by several persons, who had assembled there. Learned counsel further submits that the falsity of the FIR is evident from the fact that all family members of the appellant including two ladies have been made accused in this case. During investigation it has also come that there was land dispute between the parties.



Charge-sheet has been submitted in this case and the appellant is in custody since 11.09.2023. The appellant is having criminal antecedent of one case in which he has been acquitted.

6. Learned Spl.PP. opposes the submissions made on behalf of the appellant.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there appears hardly any material to connect the appellant with the alleged offence and further considering the period of custody of the appellant along with submission of charge-sheet and possibility of false implication, the appellant above named is directed to 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 -cum-Special Judge, Siwan in connection with Mairwa P.S. Case No. 161 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the appellant.

(ii) The appellant will remain present on each and every date fixed by the court



below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

8. Accordingly, the impugned order is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.05.2024
Transmission Date	13.05.2024

