

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2900 of 2024

Arising Out of PS. Case No.-403 Year-2023 Thana- SAHPUR District- Patna

1. Lalu Manjhi Son of Late Saadhu Manjhi Resident of Village - Goraon, Babu Chak Musahari, Police Station - Shahpur, District - Patna.
2. Laddu Manjhi @ Laddu Manchi Son of Lalu Manjhi Resident of Village - Goraon, Babu Chak Musahari, Police Station - Shahpur, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Tilki Devi Wife of Late Rajesh Manjhi Resident of Village - Musahari Tola, Kab Nisarpura, Police Station - Ranitalab, District - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Akash Kumar Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

10 01-05-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and perused the case diary.

2. The instant appeal has been filed by the appellants against the order dated 19.02.2024 passed by learned Exclusive Special Court (SC/ST Act), Patna whereby the prayer for bail of the appellants in connection with Shahpur P.S. Case No. 403 of 2023 under Sections 341, 323, 302/34 of the Indian Penal Code, read with Sections 3(1)(r)(s)/2(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that, the informant and her family went to work at Golu Bhatta. A week prior to the main incident, a scuffle broke out between the informant's



children and those of co-accused Shambhu Yadav. Following this, Shambhu Yadav assaulted husband of the informant and prevented the family from leaving. The informant treated her husband but on 03.06.2023 he passed away.

4. Learned counsel for the appellants submits that the appellants are innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellants also submits that the appellants are not named in the FIR. The name of the appellants have transpired in this case on the basis of confessional statement of co-accused persons and the same has got no evidentiary value. No specific allegation has been attributed against the appellants. The allegation levelled against the appellants is general and omnibus in nature. Learned counsel for the appellants further submits that the appellants have 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 them. The appellants have no intention to disgrace the image of the informant in public view. The appellants are in custody since 03.07.2023 and have got no criminal antecedent.

5. Learned Special P.P. for the State has opposed the prayer for grant of bail to the appellants.



6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 19.02.2024 passed by learned Exclusive Special Court (SC/ST Act), Patna is hereby set aside.

7. Let the appellants be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Shahpur P.S. Case No. 403 of 2023.

(Rudra Prakash Mishra, J)

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