

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.860 of 2026

Arising Out of PS. Case No.-568 Year-2022 Thana- FATEHPUR District- Gaya

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Rahul Manjhi S/O Bhuneshwar Manjhi R/O Vill.- Chapri, P.S.- Fatehpur,
Dist.- Gaya Ji.

... .. Appellant/s

Versus

1. The State of Bihar
2. Permanand Paswan S/O Late Baleshwar Paswan R/O Vill.- Chapri, P.S.-
Fatehpur, Dist.- Gaya Ji.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Praveen Kumar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, SPP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-06-2026 Despite valid service of notice upon Respondent
No.2, no one appeared on behalf of Respondent No.2.

2. Heard Mr. Praveen Kumar, learned counsel for
the appellant as well as Ms. Usha Kumari 1, learned Spl.P.P. for
the State.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 05.01.2026
passed by the learned Court of Exclusive Special Judge-SC/ST ,
Gayaji in connection with Fatehpur P.S. Case No. 568 of 2022,
F.I.R. dated 11.09.2022 registered under Sections 341, 323, 504,
506, 307, 376(D) of Indian Penal Code and 3(1)(r)(s) of the
Scheduled Castes and Scheduled Tribes Act.



4. Earlier the bail application of the appellant has been rejected twice in Cr. Appeal(SJ). No. 4118 of 2022 and Cr. Appeal No(SJ). 623 of 2025 vide order dated 23.03.2023 and 16.05.2025.

5. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. He further submits that similarly situated co-accused persons, namely, Vikram Manjhi and Biskarma Manjhi @ Vishwakarma Manjhi have been granted the privilege of bail by different the co-ordinate Benches of this Court vide order dated 06.07.2023 and 16.05.2023 in Cr. Appeal (SJ) No.849 of 2023 and Cr. Appeal (SJ) No.1259 of 2023 and the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 19.09.2022 and the trial is not in progress.

6. Vide order dated 10.04.2026 a report was called with regard to stage of the trial. Report of the learned Trial Court dated 17.04.2026 reveals that out of ten charge sheet witnesses only five witnesses have been examined.

7. Learned counsel for the petitioner submits that in



view of the report of the learned Trial Court the trial is not likely to be concluded in the near future and the petitioner is in custody 19.09.2022 i.e. for about three years and nine months.

8. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and submits that from bare perusal of the statement of the accused Bhola Singh, it appears that appellant was present at the place of occurrence and apart from that, the appellant carries two criminal antecedents other than the present one.

9. Considering the facts and circumstances of the case and period of custody of the appellant, 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 Court of Exclusive Special Judge-SC/ST , Gayaji in connection with Fatehpur P.S. Case No. 568 of 2022, with other following conditions:-

i. 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.

ii. If the appellant tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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 have 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.

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

(Rajesh Kumar Verma, J)

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