

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3184 of 2025

Arising Out of PS. Case No.-45 Year-2024 Thana- Gurupa District- Gaya

-
1. Sunsa Manjhi S/O Kishun Manjhi R/O Village-Jhurang,PS-Gurpa,Distt-Gaya
 2. Murlesh Manjhi @ Mithlesh Manjhi S/O Sunsa Manjhi R/O Village-Jhurang,PS-Gurpa,Distt-Gaya
 3. Jhari Manjhi S/O Late Bhuna Manjhi R/O Village-Jhurang,PS-Gurpa,Distt-Gaya
 4. Vicky Manjhi @ Vikash Kumar S/O Late Bhuna Manjhi R/O Village-Jhurang,PS-Gurpa,Distt-Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Jhari Manjhi S/O Late Jagdish Manjhi R/O Village-Jhurang,PS-Gurpa,Distt-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Aryan Singh, Advocate
For the Respondent No.1	:	Ms. Usha Kumari 1, APP
For the Respondent No.2	:	None

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

3 20-05-2026 Heard the learned counsel for the parties through virtual mode.

2. Despite valid service of notice upon respondent no.2 nobody had entered appearance on behalf of the respondent no.2.

3. This is an appeal under Section 14(A)(2) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for anticipatory bail vide order dated 19.06.2025 passed by the learned Exclusive Special Judge, SC/ST, Gaya in A.B.A. No. 162 of 2025 in connection with Gurpa P.S. Case No.45 of 2024 registered for the offence/s punishable under Sections 190, 191(2), 115(2), 117(2), 126(2), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 and under Section 3(1)(r), 3(1)(r)(s) and 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

4. The prosecution case is to the effect that the informant has alleged that initially one Rahul Kumar @ Rahul Yadav assaulted him with an iron rod in his left hand, causing a fracture and subsequently, the present appellants abused and assaulted the informant as well as his brother and even the mother of the informant causing several injuries.

5. Learned counsel for the appellants submits that all the appellants have been falsely implicated in this case on account of old enmity due to a land dispute. It has further been submitted that the allegations of assault and abuse are on the whole family and therefore are general and omnibus. The only specific attribution of assault is on appellant no.2 Murlesh



Manjhi @ Mithlesh Manjhi, however, no injury report has been brought on record and in fact, even in the impugned order, nothing has been discussed so far as the injury reports of the injured persons are concerned. It has next been submitted that the occurrence took place on 18.07.2024, while the FIR was lodged after gap of almost 23 days, i.e., on 10.08.2024. It has also been submitted that the co-accused Rahul Kumar has been granted bail by a Coordinate Bench of this Hon'ble Court. It has lastly been submitted that since the appellants themselves belong to the scheduled castes therefore, no offence under the SC/ST Act is made out against them. The appellants carry clean antecedent.

6. Learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellants.

7. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 19.06.2025 passed by the learned Exclusive Special Judge, S.C./S.T., Gaya in A.B.A. No. 162 of 2025 in connection with Gurpa P.S. Case no.45 of 2024 is set aside against the appellants.

8. The criminal appeal is allowed.



9. Considering the aforesaid submission, facts and circumstances of the case, let the appellants above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Gurpa P.S. Case No.45 of 2024 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

(i) One of the bailors of the appellants shall be their close relative and the other shall be the local resident.

(ii) The appellants shall in no manner threaten or try to contact or influence the informant.

(iii) The learned Court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. 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. It is made clear that the observation, if any, made
in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

manoj/ayushkr-

U		T	
---	--	---	--

