

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.644 of 2016

Arising Out of PS.Case No. -177 Year- 2015 Thana -GOPALPUR District- BHAGALPUR

=====

Manoj Mandal, son of Mahendra Mandal, R/o Village- Abhiya, P.S.-
Gopalpur, District- Bhagalpur.

.... Appellant/s

Versus

1. The State of Bihar
2. Awadhesh Paswan, son of Late Nathuni Paswan, R/O Village Amihya,
P.S. Gopalpur, District- Bhagalpur.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Tribhuwan Narayan

For the Respondent/s : Mr. Binay Krishna, Special PP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

5 27-09-2016 Heard Mr. Tribhuwan Narayan, learned counsel for

the appellant and Mr. Binay Krishna, learned Special Public
Prosecutor for the State.

2. This appeal under Section 14-A(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
has been filed against the order dated 4th June, 2016 passed by the
learned 2nd Additional Sessions Judge, Naugachia in Bail
Application No. 89 of 2016 (F.No. 150 of 2016), whereby the bail
application of the appellant in connection with Gopalpur P.S.Case
No. 177 of 2015 registered under Sections 147, 148, 149, 452,
307, 302, 323, 325, 436, 379, 341, 342 of the Indian Penal Code
and Section 3(2)(v)(iii) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act, 1989 has been rejected.



3. It is contended that so far as the appellant is concerned, there is no allegation that he was either armed with any weapon or assaulted the deceased. In the FIR, the informant has alleged that he had made a complaint to the petitioner regarding conduct of Lulha Mandal. Thereafter, there is general and omnibus allegation against 17 other accused persons named in the FIR and 10-15 unknown accused persons to have participated in the assault upon the deceased Pandav Kumar Paswan. It is contended that co-accused Basuki Mandal, Dinesh Mandal and Kailash Mandal against whom there is more serious allegation to that of the appellant have already been granted bail by a Bench of this Court vide order dated 3rd May, 2016 passed in Cr.Misc. No. 17885 of 2016. It is also contended that several other co-accused, namely, Sanjay Mandal, Ambika Mandal, Jhingar Mandal, Rajiv Mandal, Vinod Mandal and Dayanand Mandal have also been granted bail by different Benches of this Court.

4. On the other hand, Mr. Binay Krishna, learned Special Public Prosecutor for the State has opposed the application for grant of bail to the appellant. However, he does not dispute the contention of the appellant that some other co-accused persons having more or less identical allegation to that of the appellant have already been granted bail by different orders passed by

different Benches of this Court.

5. Regard being had to the submissions made by the respective parties, the impugned order dated 4th June, 2016 passed by the learned 2nd Additional Sessions Judge, Naugachia in Bail Application No. 89 of 2016 (F.No. 150 of 2016) is set aside. The appellant Manoj Mandal is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Naugachia in connection with Gopalpur P.S.Case No. 177 of 2015, subject to the condition that one of the sureties must be a Government servant/elected people's representative of Panchayat/Municipality and the other one shall be a close relative.

6. The appeal stands allowed.

(Ashwani Kumar Singh, J)

Pradeep/-

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