

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.878 of 2016

Arising Out of PS.Case No. -18 Year- 2016 Thana -FORBESGANJ District- ARRARIA

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1. Hriday Mandal, son of Baijnath Mandal.
 2. Jibachh Mandal, son of Kalanand Mandal.

.... Appellants.

Versus

The State of Bihar

.... Respondent.

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Appearance :

For the Appellants : Mr. Krishna Prasad Singh
For the State : Mr. Binay Krishna
For the Informant : Mr. Ramesh Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**
ORAL JUDGMENT
Date: 22-12-2016

Heard learned counsel for the appellants as well as learned
Special P.P. for the State and learned counsel for the informant.

2. This criminal appeal, filed under section 14A (2) of the
SC/ST (Prevention of Atrocities) Amendment Act, is preferred against
the order dated 08.09.2016 passed by the learned 1st Additional
Sessions Judge, Araria, in B.P.No. 795 of 2016 by which the prayer
of the appellants for regular bail in connection with Forbesganj P.S.
Case No.18 of 2016, which was registered for the offences punishable
under sections 341, 323, 307, 504, 506/34 of the Indian Penal Code
and sections 3(i) (x) of the SC/ST (Prevention of Atrocities)
Amendment Act, was rejected.

3. The accusation against the appellants is that they took



the informant Anil Paswan and, thereafter, appellant no. 1 cut his tongue by means of knife and assaulted him causing injuries on various parts of his body.

4. Submission on behalf of the appellants is that no specific overt act has been attributed against the appellant no. 2 and so far as appellant no. 1 is concerned, according to the prosecution case itself, the alleged occurrence took place on 25.12.2015 but the injury report of injured goes to show that he was examined by the doctor on 12.01.2016 . Learned counsel for the appellants further submits that, as a matter of fact, the informant met with an accident and sustained injuries in the said accident but taking advantage of the aforesaid accident, he having obtained forged injury report from a doctor lodged the present case against the appellants. It is further submitted that, moreover, the appellants are languishing in jail custody since 16.08.2016 and the facts of the prosecution case go to show that no case under SC/ST (Prevention of Atrocities) Amendment Act is made out against the appellants.

5. Learned counsel appearing for the informant opposed the prayer submitting that the informant sustained two grievous injuries on his person and out of the aforesaid two grievous injuries, one injury was found on his tongue and, as a matter of fact, the informant was unconscious and unable to speak and that was the



reason, the present case was lodge on 11.01.2016.

6. Considering the aforesaid facts and circumstances as well as submission of the parties, and also taking note of this fact that the present case was lodged after much delay and the injury report was issued by a private doctor that is also after long delay of the alleged occurrence and the learned 1st Additional Sessions Judge, failed to take note of the aforesaid facts, while rejecting the bail prayer of the appellants, this criminal appeal is allowed and the impugned order dated 08.09.2016 passed by the Additional Sessions Judge 1st, Kishanganj, in B.P. No.128 of 2016 is hereby set aside.

7. Accordingly, the appellants, above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Additional Session Judge 1st, Araria, in connection with Forbesganj P.S.Case No. 18 of 2016.

(Hemant Kumar Srivastava, J)

N.K/-

AFR/NAFR	NAFR
CAV DATE	NA
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