

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.85 of 2017

Arising Out of PS.Case No. -267 Year- 2016 Thana -AMARPUR District- BANKA

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1. Madan Kumar Mandal @ Madan Marar @ Madan Mandal, son of Mouli Mandal,
2. Subhash Bagbai, son of Bishnudeo Bagbai. Both the resident of Village- Ballikitta, Police Station- Amarpur, District- Banka.

.... Appellants

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Balram Kapri, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 22-05-2017 As prayed for, learned counsel for the appellants is permitted to withdraw this appeal with respect to appellant No.2, Subhash Bagbai, as he has been arrested during the pendency of this appeal.

Heard learned counsel for the appellant and learned Special P.P.

This appeal has been filed for setting aside the order dated 6.9.2016 passed in A.B.P. No. 761 of 2016, arising out of Amarpur P.S.case No. 267 of 2016 instituted under Sections 279 and 304A of the Indian Penal Code, 14(1) of Child Labour Prohibition & Regulation Act, 1986 and 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, by 1st



Additional Sessions Judge, Banka and for granting anticipatory bail to the appellant.

Allegation against one co-accused is that he came to take the son of the informant for working on the tractor and even in spite of protest he has made derogatory remarks to the informant by taking his caste name and forcibly taken the son of the informant and thereafter it has come to the knowledge that son of the informant fell down from tractor and died.

It has been submitted on behalf of the appellant that appellant has been made accused only on the basis that he is owner of the tractor and even no case under the provision of SC/ST Act is made out against him.

Learned Special P.P. could not controvert the above submission.

Having heard both sides and in view of submission that no prima facie case is made out under the SC/ST Act against the appellant No.1, let appellant No.1, in the event of arrest or surrender in the court below within a period of two weeks from the date of receipt/production of a copy of this order, be enlarged 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 Chief Judicial Magistrate, Banka, in connection



with Amarpur P.S.Case No. 267 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C. after setting aside the order dated 6.9.2016 passed by 1st Additional Sessions Judge, Banka in ABP No. 761 of 2016, subject to the further conditions that appellant will co-operate in investigation of case and will appear before the Investigating Officer as and when required, failing which his bail bond shall be liable to the cancelled.

This appeal is disposed of.

(Vinod Kumar Sinha, J)

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