

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.309 of 2019

Arising Out of PS. Case No.-146 Year-2018 Thana- NARPATGANJ District- Araria

1. Mukesh Kumar Mandal, son of Chandeshwari Mandal Resident of Village-Tamganj, P.S.- Narpatganjganj, District- Araria.
2. Chandeshwari Longi @ Chandeshwari Mandal s/o-Lutan Mandal Resident of Village- Tamganj, P.S.- Narpatganjganj, District- Araria.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramesh Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

6 28-06-2019 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 21.06.2018 passed by learned 1st Addl. Sessions Judge cum Special Judge, Araria in connection with Narpatganj P.S. Case No. 146 of 2018 registered under Sections 376 and 504 of the Indian Penal Code and Section 3(i) (r) (s) (w) (i) (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



One Vikash Kumar Mandal is said to have made sexual intercourse with the informant enticing her to perform marriage with her and when she became pregnant he refused to perform marriage with her and when her parents and the villagers mounted pressure upon the appellants who happen to be own brother and father respectively of the said Vikash Kumar Mandal and another for the said marriage, they also refused to perform marriage and stated to hush-up the matter taking Rs.25,000/- and also slated them in the name of their caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case merely because they happen to be relative of Vikash Kumar Mandal. Appellants have no concern with the aforesaid occurrence. The allegation levelled against the appellants are not specific rather general and omnibus in nature. The place of slating the parents of informant and others in the name of their caste has not been mentioned in the F.I.R. Moreover, the victim in her statement made under Section 164 Cr.P.C. has not supported the aforesaid occurrence of slating by the appellants to her parents and others. Both the informant and Vikash Kumar Mandal have performed marriage and are living together. Appellants have no



criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Araria in connection with Special Case No.42 of 2018, arising out of Narpatganj P.S. Case No. 146 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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