

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.836 of 2019**

Arising Out of PS. Case No.-355 Year-2017 Thana- JAGDISHPUR District- Bhagalpur

BACHHO MANDAL Son of Late Bishwanath Mandal Resident of Village -
Babhangama, P.S.- Goradih, District -Bhagalpur

... .. Appellant/s

Versus

THE STATE OF BIHAR .

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Tarun Kumar Sinha
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

6 05-08-2019 Heard learned counsel for the appellant 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 08.03.2019 passed by learned 4th Additional Sessions Judge-cum-special Judge, SC/ST, Act, Bhagalpur in connection with Jagdishpur (Goradih) P.S. Case No. 355 of 2017 (G.R. No. 4146 of 2017), registered under Sections 341, 147, 149, 323, 379, 504, 506/354 of the Indian Penal Code and also under Section 3 (i) (x) 13 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Over row of taking illegal electricity wire from the transformer, nine accused persons including the appellant is said to have slated the informant in the name of his caste and fisted him. When Radha Devi and Babita Devi came in his rescue appellant fisted Babita Devi while co-accused Sushil Mandal fisted Radha devi.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case as co-accused Bibhuti Mandal has lodged Jagdishpur (Goradih) P.S. Case No. 354 of 2017 against the informant and others earlier to case under hand. No one sustained injury in the occurrence. The Allegation of slating the informant against the appellant is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of his caste against the appellant. Similarly situated co-accused Bibhuti Mandal @ Bibhuti Kumar and Patru Mandal @ Sobhit Kumar have been enlarged on anticipatory bail by a co-ordinate Bench of this Court passed in Criminal Appeal (SJ) No. 1128 of 2018 vide order dated 18.09.2018.

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



In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail in the event of his arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Bhagalpur in connection with Jagdishpur (Goradih) P.S. Case No. 355 of 2017 (G.R. No. 4146/17), subject to condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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