

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2654 of 2019

Arising Out of PS. Case No.-89 Year-2018 Thana- MORKAHI District- Khagaria

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DHRUB MANDAL @ DHRUB KUMAR S/O Birendra @ Bilo Mandal
Resident of Village- Marar, P.S. - Morkahi, District- Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

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

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

ORAL ORDER

2 04-07-2019 Heard learned counsel for the appellant and

learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 23.05.2019 passed by learned 1st Addl. Sessions Judge,
Khagaria in Morkahi P.S. Case No. 89 of 2018 registered under
Sections 147, 148, 149, 341, 323, 324, 307, 504 and 506 of the
Indian Penal Code and Section 3(i)(v)(s) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On getting information about abusing shopkeeper
namely Ajay Shah by some unknown miscreants, when the
informant rushed there along with his sons and uncles, appellant



and two named and 10-12 unnamed miscreants surrounded them and slated them in the name of their caste. Appellant assaulted on the head of his uncle Sikandar Paswan by means of butt of the pistol and other accused persons assaulted his companions.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. The allegation of slating the informant and others in the name of their caste levelled against the appellant is not specific rather general and omnibus in nature. There are 15 accused persons in the occurrence and the informant has not specifically stated as to who slated him in the name of his caste. Injury sustained by the victim is simple in nature. Appellant has no criminal antecedent and has been languishing in custody since 26.04.2019. Similarly situated co-accused, namely, Akhilesh Mandal has been enlarged on bail by a co-ordinate bench of this court vide order dated 11.02.2019 passed in Cr. Appeal (SJ) No. 4768 of 2018.

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

Having regard to the facts and circumstances of the case, the above named appellant is directed to be enlarged on



bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Khagaria in connection with Morkahi P.S. Case No. 89 of 2018.

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

(Prakash Chandra Jaiswal, J)

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