

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2822 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- SC/ST District- Bhagalpur

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1. Suresh Mandal Son of Sahdeo Mandal Resident of Village- Dariyapur, P.S.- Sajour, District- Bhagalpur.
 2. Sakaldeep Mandal @ Sakaldeo Mandal Son of Late Mahendra Mandal Resident of Village- Dariyapur, P.S. - Sajour, District- Bhagalpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar Jha
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 31-07-2019 Learned counsel for the appellants seeks permission to withdraw this appeal on behalf of appellant no. 1 (Suresh Mandal) submitting that he has been arrested during pendency of the appeal.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn against the aforesaid appellant.

Heard learned counsel appearing on behalf of appellant no. 2 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 of anticipatory bail vide order dated 20.05.2019 passed by learned 3rd Addl. District



& Sessions Judge cum Special Judge, Bhagalpur in Bhagalpur SC/ST P.S. Case No. 4 of 2019 registered under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with four other named accused are said to have slated the informant and his family members in the name of their caste and appellants and co-accused Ravindra Mandal assaulted on his head by means of spade as the informant had refused to accord them Rs. 500/- demanded by them. They always used to slate him and his family members in the name of their caste.

It is submitted by learned counsel appearing on behalf of appellant no. 2 that the appellant no. 2 has no concern with the aforesaid occurrence. He has been falsely implicated in this case merely because he happens to be gotiya of Ravindra Mandal and the son of the informant, who happens to be Chowkidar always used to tease the daughter of Ravindra Mandal, for which, he has filed a complaint petition against the son of the informant and being peeved with the same, the informant has lodged this false and frivolous case implicating the appellant no. 2 also in the case. Appellant does not happen to



be assailant. Allegation of slating the informant levelled against the appellant is not specific rather general and omnibus in nature and moreover the appellant is not said to have slated the informant and his family members in the specific name of their caste, hence, no offence under SC/ST Act is made out against him. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, the appellant no. 2 is directed to be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Addl. District & Sessions Judge cum Special Judge, Bhagalpur in connection with Bhagalpur SC/ST P.S. Case No. 4 of 2019, subject to the 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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