

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2883 of 2019

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

SUSHIL MANDAL Son of Late Vishwanath Mandal Resident of Village -
Babhangama, P.S.- Jagdishpur (Goradih), Distt - Bhagalpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 18-09-2019 This appeal is for setting aside the order dated 23.04.2019 passed by learned 3rd A.D.J.-cum-Special Judge, SC/ST Act, by which, the appeal of the appellant for grant of pre arrest bail in connection with Jagdishpur (Goradih) P.S. Case No. 355 of 2017 for the offences punishable under Sections 341, 147, 149, 323, 379, 504, 506 and 354 of the Indian Penal Code and Section 3(1)(r)/3(2)(Va) SC/ST Act has been rejected.

Allegation against the appellant as per the F.I.R. is of assaulting the informant and others and when Radha Devi and Babita Devi came, the appellant and others assaulted them also and it is also alleged that this appellant tried to outrage the modesty of Radha Devi and abused her by taking caste name.

Submission of learned counsel for the appellant is that earlier a case was lodged by the appellant's side against the



informant and others and due to which, this false case has been lodged. Furthermore, the dispute was between the appellant and his brother and as such, there is no occasion for the appellant to assault the informant and try to outrage the modesty of Radha Devi and also to abuse by caste name.

Learned Special P.P. opposed the prayer for grant of pre arrest bail and submitted that there is specific allegation against the appellant that he tried to outrage the modesty of Radha Devi and also abused her by caste name and, therefore, a prima facie case under the provisions of SC/ST (Prevention of Atrocities) Act, is made out against the appellant.

Having heard both sides, considering the facts and circumstances, I am not inclined to grant the privilege of pre arrest bail to the appellant rather appellant may surrender before the concerned court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the basis of materials available on record, if possible on same day, without being prejudiced by this order.

This appeal is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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