

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2978 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- SC/ST District- Katihar

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1. MUNNA MANDAL Son of Ram Avtar Mandal Resident of Village - Laliyahi Ward No. 10, P.S.- Katihar (Sahayak), District - Katihar.
 2. Yubraj @ Raja @ Yubraj Mandal Son of Munna Mandal Resident of Village - Laliyahi Ward No. 10, P.S.- Katihar (Sahayak), District - Katihar.
 3. Kundan Mandal Son of Munna Mandal Resident of Village - Laliyahi Ward No. 10, P.S.- Katihar (Sahayak), District - Katihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimal Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 24-07-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 20.06.2019 passed by learned A.D.J.-I cum Special Judge, Katihar in SC/ST P.S. Case No. 20 of 2019 registered under Sections 323, 504, 341 and 307/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

When the informant had gone out to purchase electrical goods, all the appellants surrounded him and appellants Yubraj Mandal and Kundan Mandal slated him in the



name of his caste. Appellant Yubraj Mandal assaulted him by means of fighter, Munna Mandal pressed his neck while Kundan Mandal assaulted on his head by means of hammer inflicting bleeding head injury to him.

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 due to animosity. There is case and counter case between the parties. Informant has sustained only one head injury which is simple in nature. Hence they may be enlarged on bail.

On the other hand, learned Spl. PP for the State vehemently opposing the bail petition submitted that there is specific allegation of slating the informant in the name of his case against the appellants Yubraj Mandal and Kundan Mandal. Hence offence under SC/ST Act is made out against the aforesaid appellants and anticipatory bail is barred by Section 18 of SC/ST Act. Hence they do not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge appellant nos. 2 and 3 namely Yubraj Mandal and Kundan Mandal on bail. Prayer for bail of the aforesaid appellants is rejected.

However, appellants Yubraj Mandal and Kundan



Mandal are directed to surrender before the learned court below within six weeks from today and seek regular bail and the learned court below shall dispose of the bail petition of the aforesaid appellants on the very date of their surrender in accordance with law without being prejudiced by this order.

So far as appellant no.1 Munna Mandal is concerned, he 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 the learned A.D.J.-I cum Special Judge, Katihar in connection with SC/ST P.S. Case No. 20 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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