

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 3542 of 2019**

Arising Out of PS. Case No.-224 Year-2012 Thana- FALKA District- Katihar

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SUSHIL MANDAL S/o Late Rameshwar Mandal R/o village- Nawabganj,
P.S.- Kursela, District- Katihar

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Mukesh Kumar Jha
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

2 26-08-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 31.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Katihar in connection with Falka P.S. Case No. 224 of 2012 registered under Sections 341, 323 & 307/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant calling the informant from his house in



the night took him to the orchard and assaulted on his head by means of butt of the gun while his associate Sanjay Yadav resorted firing by means of revolver but he left unhurt, however, he received sprinkle of gun power on his chest and left hand.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has no concern with the aforesaid occurrence. There is no allegation of repetition of blow. Injury sustained by the informant is simple in nature. Learned lower Court has also not mentioned about the nature of injury in the impugned order after perusal of the case diary as had it been grievous it would have been mentioned in the impugned order. Though some cases have been lodged against the appellant but he is on bail in all the cases. All these cases have been lodged against the appellant by his villagers due to ill-will. Appellant has been languishing in custody since 17.06.2019.

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

In the facts and circumstances of the case, the above named appellant is directed to be released on bail 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 1st Additional Sessions Judge cum Special Judge,
Katihar in connection with Falka P.S. Case No. 224 of 2012.

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

(Prakash Chandra Jaiswal, J)

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