

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1546 of 2020**

Arising Out of PS. Case No.-44 Year-2019 Thana- SC/ST District- Banka

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Gopal Mandal, Son of Shankar Mandal, Resident of Village - Teliyadih, P.S.-
Fullidumar, District - Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashutosh Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 08-12-2020 Heard learned counsel for the parties through video conferencing.

At the outset, it is submitted by learned counsel for the appellant that, due to mistake, in the second line of the first paragraph of memo of the appeal, instead of regular bail, anticipatory bail has been typed.

The present appeal is directed against the order dated 13.02.2020, passed by learned Additional Sessions Judge-I, Banka in a case registered for the offence punishable under Sections 147, 148, 341, 323, 307, 436, 504 and 506/34 of the Indian Penal Code and Section 3(i) (r) and 2(iv) of the SC/ST (Prevention of Atrocities) Act, whereby regular bail of the



appellant has been rejected.

As per the prosecution case, all the F.I.R. named accused persons including this appellant abused the informant by calling his caste name and assaulted the informant and also set on fire the informant's house. Appellant is alleged to have caused injury on the head of the informant by Khanti.

Learned counsel for the appellant submits that there is case and counter case between the parties. The alleged injury has been found to be simple in nature. Appellant is in custody since 10.02.2020 and charge-sheet has already been submitted. Appellant has got clean antecedent as stated in paragraph no.3 of memo of the appeal.

However, learned A.P.P. for State has vehemently opposed the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, nature of allegation and period of custody, this appeal is allowed and the impugned order dated 13.02.2020 is set aside.

Considering the aforesaid facts and circumstances of the case, let the appellant, above named, 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 Additional Sessions Judge-I, Banka in Banka SC/ST
Police Station Case No. 44 of 2019.

(Prabhat Kumar Singh, J)

Ankit/-

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