

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1365 of 2020

Arising Out of PS. Case No.-64 Year-2019 Thana- SC/ST District- Darbhanga

1. Pramod Mandal Son of Singheshwar Mandal Resident of Village - Putai (Patai), P.S.- Manigachhi, District - .Darbhanga.
2. Shibu Mandal @ Sinu Mandal Son of Singheshwar Mandal Resident of Village - Putai (Patai), P.S.- Manigachhi, District - .Darbhanga.
3. Manoj Mandal @ Manoj Kumar Mandal Son of Singheshwar Mandal Resident of Village - Putai (Patai), P.S.- Manigachhi, District - .Darbhanga.
4. Singheshwar Mandal Son of Ram Mandal Resident of Village - Putai (Patai), P.S.- Manigachhi, District - .Darbhanga.
5. Heera Devi Wife of Pramod Mandal Resident of Village - Putai (Patai), P.S.- Manigachhi, District - .Darbhanga.

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Vinay Kumar Mishra
For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 06-07-2020 Heard learned counsel for the appellants and learned counsel for the State via video conferencing.

The instant appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, has been filed by the appellants challenging the order dated 29.01.2020 passed in A.B.P. No. 30 of 2020 by the learned 1st Additional Sessions Judge-cum-Special Judge (PoA) Act, Darbhanga.

It is submitted by Mr. Vinay Kumar Mishra, learned



counsel for the appellants that the allegations levelled against the appellants are false, concocted and baseless. The appellants and the informant are residents of the same village. There is previous land dispute between the parties. The appellant no. 4 is an old person aged about 70 years. There is no allegation of using any abusive language taking caste name of the informant against appellant nos. 1, 2, 4 and 5 and, thus, the ingredients of the offence punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, would not attract against them.

Learned counsel for the State has opposed the prayer for grant of pre-arrest bail to the appellants.

Considering the nature of allegation made in the complaint which was referred to the police in exercise of the powers conferred under Section 156(3) of the Cr.P.C. for institution of the FIR, the submissions advanced at the bar and other facts and circumstances of the case, the order impugned dated 29.01.2020 to the extent whereby the prayer for bail of the appellant nos. 1 Pramod Mandal, 2 Shibu Mandal, 4 Singheshwar Mandal and 5 Heera Devi was rejected, is set aside. They are directed to be released on bail, in the event of their arrest or surrender before the court below on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (PoA) Act, Darbhanga in connection with Darbhanga SC/ST Case No. 64 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. The appeal on behalf of these appellants stands allowed.

So far as the appellant no. 3 Manoj Mandal @ Manoj Kumar Mandal is concerned, the order impugned dated 29.01.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (PoA) Act, Darbhanga against him, is sustained. His appeal stands dismissed. He is directed to surrender and seeks regular bail.

(Ashwani Kumar Singh, J)

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