

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1840 of 2021

Arising Out of PS. Case No.-5 Year-2020 Thana- SC/ST District- Araria

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1. BINOD MANDAL Son of Ram Krishna Mandal Resident of Village- Thila Mohan, Ward No. -2, P.S.- Simraha, District- Araria.
 2. Raj Kumar Mandal Son of Ram Krishna Mandal Resident of Village- Thila Mohan, Ward No. -2, P.S.- Simraha, District- Araria.
 3. Amol Mandal @ Anmol Mandal S/o Maheshwari Mandal Resident of Village- Thila Mohan, Ward No. -2, P.S.- Simraha, District- Araria.
 4. Ray Kumar Mandal Son of Rameshwar Mandal Resident of Village- Thila Mohan, Ward No. -2, P.S.- Simraha, District- Araria.
 5. Awdhesh Mandal Son of Dinesh Mandal Resident of Village- Thila Mohan, Ward No. -2, P.S.- Simraha, District- Araria.
 6. Amani Mandal Son of Dinesh Mandal Resident of Village- Thila Mohan, Ward No. -2, P.S.- Simraha, District- Araria.
 7. Shankar Mandal Sonof Sadanand Mandal Resident of Village- Thila Mohan, Ward No. -2, P.S.- Simraha, District- Araria.
 8. Gurudeo Mandal Son of Indiranand Mandal Resident of Village- Thila Mohan, Ward No. -2, P.S.- Simraha, District- Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Nishant Kumar Sinha, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 15-07-2021

Heard Mr. Nishant Kumar Sinha, learned counsel

for the appellants and Mr. Sadanand Paswan, learned Special

Public Prosecutor for the State.

The appellants have challenged the order dated



11.11.2020 passed by the learned 1st Additional Sessions Judge -cum-Special Judge, Araria in Spl (SC/ST) Case No. 08/20 arising out of Araria (SC/ST) P.S. Case No. 05 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(2)(Va) of SC/ST (POA) Act has been rejected.

The accusation in the First Information Report is of assaulting and abusing the informant for no apparent good reason.

Learned counsel for the appellants has submitted that the occurrence took place on 26.12.2019 but the report regarding the same was lodged on 07.01.2020. There is no reason for such delayed lodging of the F.I.R. No motive also has been attributed for the occurrence and it appears, it has been argued, that only because of the dirty village politics, the appellants have been made accused in this case. Nobody appears to have been injured in any serious manner in the transaction.

Regard being had to the afore-noted facts and



taking into account the submissions advanced on behalf of the appellants, the order dated 11.11.2020 passed by the learned 1st Additional Sessions Judge -cum-Special Judge, Araria is set aside.

The appeal stands allowed.

The appellants, above named, are directed to be released on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum-Special Judge, Araria in connection with Araria (SC/ST) P.S. Case No. 05 of 2020.

(Ashutosh Kumar, J)

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