

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2527 of 2021**

Arising Out of PS. Case No.-12 Year-2016 Thana- SC/ST District- Katihar

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SHANKAR MANDAL S/o Tulsi Mandal Resident of Suryana Baina, P.S.-
Pranpur, District- Katihar

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Raghvendra Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

7 26-10-2021 Heard Mr. Raghvendra Kumar Singh, the

learned counsel for the appellant and Mr. Sadanand

Paswan, learned Special Public Prosecutor for the State.

The appellant has challenged the order dated

22.12.2020 passed by the learned Additional Sessions

Judge -I-cum-Special Judge, Katihar in A.B.P. No. 83 of

2020 arising out of Katihar SC/ST P.S. Case No.

12/2016 whereby the prayer made on behalf of the

appellant for grant of anticipatory bail for the offences



under Sections 323 and 364 of the Indian Penal Code and under Section 3(1)(x) of SC/ST (POA) Act has been rejected.

This court had by order dated 27.07.2021 called for the case diary and had granted provisional bail to the appellant.

The case diary has since been received.

Mr. Sadanand Paswan, the learned Special P.P. for the State, however, has informed this Court today that the appellant has been declared an absconder before the provisional bail was granted to him.

This fact was not brought to the notice of this Court on the last occasion.

Considering this aspect of the matter, I am not inclined to interfere with the order passed by the court below refusing to grant anticipatory bail to the appellant.

The appeal is, thus, dismissed.

The interim order dated 27.07.2021 is hereby recalled.



Should the appellant surrender before the court below and seek bail, it shall be considered on its own merits without being prejudiced by the fact that the present petition on his behalf has not been entertained.

(Ashutosh Kumar, J)

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