

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2646 of 2021

Arising Out of PS. Case No.-167 Year-2020 Thana- RANIGANJ District- Araria

1. Raj Kishor Mandal, aged about 46 years (Male), Son of Late Munnar Mandal, resident of Village-Kohbara Bishanpur, Ward No. 7, P.O. Kala Balua, P.S. - Raniganj, District - Araria.
2. Bablu Mandal, aged about 42 years (Male), Son of Late Munnar Mandal, resident of Village - Kohbara Bishanpur, Ward No. 7, P.O. Kala Balua, P.S. - Raniganj, District - Araria.
3. Raja Kant Mehta, aged about 44 years (Male), Son of Ram Uchit Mehta, resident of Village-Kohbara Bishanpur, Ward No. 7, P.O. Kala Balua, P.S. - Raniganj, District-Araria.
4. Vind Mehta @ Vinod Kumar Mehta, aged about 36 years (Male), Son of Ram Uchit Mehta, resident of Village - Kohbara Bishanpur, Ward No. 7, P.O. Kala Balua, P.S. - Raniganj, District - Araria.
5. Ganga Pd. Mehta, aged about 45 years (Male), Son of Hari Kisun Mehta, resident of Village - Kohbara Bishanpur, Ward No. 7, P.O. Kala Balua, P.S. - Raniganj, District - Araria.
6. Rajo Mehta, aged about 56 years (Male), Son of Late Bhuto Mehta, resident of Village- Kohbara Bishanpur, Ward No. 7, P.O. Kala Balua, P.S. - Raniganj, District - Araria.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants : Mr. Gajendra Kumar Singh, Advocate.
For the Respondent : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-09-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through Virtual mode.

Learned counsel for the appellants is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the



appellants in connection with Spl. (SC/ST) Case No. 90/20, arising out of Raniganj P.S. Case No. 167/20, registered for the offences under Sections 341, 323, 354, 379, 384, 447, 504, 506/34 of the I.P.C. and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case, in short, is that on 18.04.2020 at about 11.00 A.M., while the informant Ram Kishun Tatma, who is the P.D.S. dealer, distributing food grains, in the meantime, F.I.R. named accused persons formed unlawful assembly came there and told him to give one bag of rice, upon which, he replied that he has received information from the office of the S.D.O. that their names have been cancelled from getting the food grains of P.D.S. and he has been given instruction to give the food grains only to the Ration Card holders. On listening this, Bablu Mandal (appellant no. 2) abused him with his caste name and threatened to do away his life and thereafter, all accused persons started assaulting him with fists and slaps causing body ache to him and when his mother Dholi Devi came to rescue him, accused gave fists blow causing bleeding from her nose. The accused persons committed loots of his P.D.S. shop and Binod Mehta (appellant no. 4) since elected Up-Mukhiya always used to demand of Rs. 50,000/-



from him and given threat to implicate in the false case. The villagers and the beneficiaries pacified the matter.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. No grievous injury is said to have been caused in course of occurrence by appellant no. 2. Against rests of the appellants, general and omnibus allegation has been made. No specific overt act is alleged against rests of the appellants. Due to petty reason, the alleged occurrence is said to have taken place. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 20.03.2021, passed in A.B.P. No. 571/2021 in connection with Spl. (SC/ST) Case No. 90/20, arising out of Raniganj P.S. Case No. 167/20 by learned Ist Additional Sessions-cum-Special Judge, Araria, is set aside. The criminal appeal is allowed.

Let the appellants above named, in the event of arrest



or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned Ist Additional Sessions-cum-Special Judge, Araria, in connection with Spl. (SC/ST) Case No. 90/20, arising out of Raniganj P.S. Case No. 167/20.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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