

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2519 of 2021

Arising Out of PS. Case No.-110 Year-2020 Thana- MUNGER MUFFASIL District- Munger

MUNNA MANDAL @ MANOHAR KUMAR MANDAL SON OF
BINDESHWARI @ BINU MANDAL R/O VILLAGE- SITAKUND DIH,
P.S- MUFFASIL, DIST- MUNGER

... .. Appellant/s

Versus

THE STATE OF BIHAR BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prabhat Ranjan Singh, Advocate
For the Respondent/s : Ms. Usha Kumari-1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-07-2021

I.A. No. 1 of 2021

There is a delay of 79 days in preferring this appeal.

For the reasons stated in the application, the delay is condoned.

The application is allowed.

Heard Mr. Prabhat Ranjan Singh, learned counsel for the appellant and Ms. Usha Kumari-1, learned Spl. PP for the State.

The appellant has challenged the order dated 04.11.2020 passed by the learned Additional Sessions Judge-I, Munger in Mufassil (Munger) P.S. Case No. 110 of 2020, whereby the prayer made on behalf of the appellant for grant of pre-arrest bail for the offences under Sections 147, 148, 149, 341, 323, 307, 332,



333, 153(A), 188, 269, 270, 353, 427 and 504 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(i)(r)(s)3(2)(v)(a) of the SC/ST Act has been rejected.

According to the FIR, the police party had gone to the place of occurrence where two groups of people were fighting amongst each other. The fighting continued and the intervention of the police also did not yield any result. Two of the accused persons viz. Mantu Mandal and Dilip Mandal are said to have abused the police personnel by taking their caste names.

Apart from this, it has been submitted that people from both sides have been made accused in this case merely on the asking of the local Chowkidar. So far as the appellant is concerned, there is no specific allegation against him and he has been made the scape-goat unnecessary. The injuries suffered by the victims are all simple in nature. The accusation involving the SC/ST (Prevention of Atrocities) Act is absolutely false and the appellant never meant to demean any police personnel.

For the reasons aforestated, the order dated 04.11.2020 is set aside.

The appeal stands allowed.

On the appellant surrendering before the court



below within a period of eight weeks, he shall be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Munger in Mufassil (Munger) P.S. Case No. 110 of 2020.

(Ashutosh Kumar, J)

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