

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 3194 of 2021

Arising Out of PS. Case No.-22 Year-2021 Thana- PURAINI District- Madhepura

RAHUL MANDAL @ RAHUL KUMAR Son of Bhagirath Mandal @
Bhgarath Singh Resident of Village - Ganeshpur, Ward no.14, P.S.- Puraini,
Distt.- Madhepura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

For the Appellant/s : Mr Anant Kumar 1, Advocate
For the Respondent/s : Ms Usha Kumari 1, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 27-09-2021

Heard learned counsel for the appellant as well as the
learned Special Public Prosecutor (for brevity, *Special PP*)
appearing for the State of Bihar.

2 The appellant has preferred the present Appeal under
Section 14A of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) (for brevity, *SC/ST Act*), 2016 against
the refusal of his prayer for regular bail vide order dated
03.07.2021 passed by Additional Sessions Judge I -cum- Special
Judge, SC/ST Act, Madhepura in a case registered under Sections
302, 120B/34 of Indian Penal Code, Section 27 of Arms Act and
Sections 3 (2) (v) (va) of SC/ST Act in connection with Puraini
Police Station (for brevity, *PS*) Case No 22 of 2021 arising out of
SC/ST Case No 44 of 2021.

3 The informant has lodged a case alleging that his son
was called by the instant appellant and one Deepak Yadav. Further



allegation is that few hours later, they have intimated regarding killing of the informant's son by three named and some unknown persons.

4 Learned counsel for the appellant submits that from the allegation, it is apparent that the informant's son was not forcibly taken away. Bona fides of the instant appellant is further evident from the fact that it is the appellant and co-accused Deepak Yadav who have given intimation regarding the informant's son being shot dead. The appellant has also disclosed the names of the assailants and has later been arrested from his house. It is further submitted that the appellant has no criminal antecedent and is in custody since 08.02.2021.

5 Learned Special PP has opposed the prayer for bail. She has submitted that the appellant has a vital link.

6 In my opinion, in view of nature of accusation in the First Information Report, and submission of parties, a case for grant of regular bail is made out. The impugned order dated 03.07.2021 requires interference by this Court, which is, accordingly, set aside.

7 This appeal is allowed. The impugned order dated 03.07.2021 passed by Additional Sessions Judge I -cum- Special Judge, SC/ST Act, Madhepura in connection with Puraini PS Case



No 22 of 2021 arising out of SC/ST Case No 44 of 2021 is set aside.

8 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, SC/ST Act, Madhepura in Puraini PS Case No 22 of 2021 arising out of SC/ST Case No 44 of 2021 subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(2) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.09.2021
Transmission Date	27.09.2021

