

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.3581 of 2021

Arising Out of PS. Case No.-24 Year-2021 Thana- MIRGANJ District- Purnia

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NARESH MANDAL, S/o Late Paddu Mandal R/o village- Khedlichak, P.O.
and P.S.- Meerganj, District- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Anant Paswan, S/o Mohan Lal Paswan R/o village- Khedlichak, P.O. and
P.S.- Meerganj, District- Purnea

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Anant Kumar 1

For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 23-09-2021 Heard Mr. Anant Kumar-1, learned Advocate

for the appellant and Mr. Ram Pravesh Kumar, learned

counsel for the informant. The State is represented by

Ms. Usha Kumari-I, learned Special Public Prosecutor.

The appellant has challenged the order dated

13.07.2021, passed by the 1st Additional Sessions Judge

cum Special Judge, SC/ST Act, Purnea, in connection



with ABP No. 48 of 2021, arising out of Meerganj P. S. Case No. 24 of 2021, whereby the prayer made on behalf of the appellant for grant of anticipatory bail for the offences punishable under Sections 341, 323, 379, 308, 504, 506 and 34 of the Indian Penal Code and Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation against the appellant is of assaulting the informant on his head as also of demeaning the members of the prosecution party.

The learned counsel for the appellant has submitted that the accusation is absolutely false. In fact, the occurrence is said to have taken place over a dispute arising for procurement of birth certificate of one of the persons of the village. Money was demanded from such person which has led to the dispute.

The injury suffered by the informant has been reported to be simple in nature.



Regard being had to the nature of accusation and the background facts, it has been urged on behalf of the appellants that no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can at all be said to have been made out.

The accusation with respect to hurling abuses is vague, general and omnibus.

Considering the afore-stated facts, the order dated 13.07.2021, passed by the learned 1st Additional Sessions Judge cum Special Judge, SC/ST Act, Purnea, is set aside.

The appeal stands allowed.

The appellant, above-named, is 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 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st



Additional Sessions Judge cum Special Judge, SC/ST
Act, Purnea in connection with Meerganj P. S. Case No.
24 of 2021, subject to the conditions as laid down under
Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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