

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.486 of 2021**

Arising Out of PS. Case No.-366 Year-2020 Thana- AMARPUR District- Banka

Sanjeev Mandal S/O Dip Narayan Mandal R/O Village-Vidanchak Ward No.  
11 P.S. Amarpur, District- Banka

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

**Appearance :**

|                   |   |                           |
|-------------------|---|---------------------------|
| For the Appellant | : | Mr.Subash Kumar, Advocate |
| For the State     | : | Mr. Binay Krishna Spl PP  |

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD  
ORAL JUDGMENT**

**Date : 08-03-2021**

Heard learned counsel for appellant and learned Spl. PP  
for the State.

2. Learned counsel for the appellant is expected to  
honour his undertaking given in the instant case for depositing the  
requisite court fee and to remove the defects as pointed out by  
office when called upon to do so.

3. The appellant has preferred the present appeal under  
Section 14A(2) of the Scheduled Castes and Scheduled Tribes  
(Prevention of Atrocities) Act,1989 against the refusal of prayer  
for regular bail vide order dated 11.11.2020 passed by learned  
Additional Sessions Judge-1,Banka in Amarpur PS Case No. 366  
of 2020 (GR No. 92 of 2020), registered under Sections  
341,323,324,304,379,504 and 506/34 of the Indian Penal Code,  
and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled  
Tribes (Prevention of Atrocities) Act,1989.

4. Based on alleged illicit relation of the wife of accused  
No.1 with one Amrendra Kumar, a dispute has arisen which was



being resolved at the village *Panchayat*, wherein, violence has erupted between the parties, as per prosecution case.

5. The appellant's counsel has submitted that the appellant is son of the Ward *Parshad*, who was trying to resolve the issue, by means of *Panchayati* and, therefore, he has falsely been implicated in the instant case though he has no concern with either of the quarreling parties, namely, Guddu Mandal or Amrendra Kumar. There is no specific allegation of assault against the appellant and realizing their mistake, informant has compromised the matter and filed a petition to this extent in the Court of Additional Sessions Judge-1, Banka-cum- Special Judge, as per averments made in the petition vide Annexure-4. The appellant, under such circumstances, continues to be in custody since 28.09.2020. It is further submitted that the allegation of assault by altogether eight persons is not corroborated by the injury report, which suggests only three persons have received injury, out of which, two have received simple injuries and one has received a grievous injury but, not on a vital part of the body.

6. The learned Spl. PP has opposed the prayer for bail.

7. Considering the rival submissions, this appeal is allowed. The impugned order dated 11.11.2020 passed by learned Additional Sessions Judge-1, Banka in Amarpur PS Case No. 366 of 2020 (GR No. 92 of 2020), is set aside. Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- ( Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1, Banka in Amarpur PS Case No. 366 of 2020 (GR No. 92 of 2020), subject to the following conditions:-

(i) 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.

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

**(Madhuresh Prasad, J)**

shyambihari/-

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