

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4238 of 2021

Arising Out of PS. Case No.-12 Year-2021 Thana- KATIHAR MUFFASIL District- Katihar

PRADIP MANDAL Son of Bindeshwari Mandal Resident of Village -
Tajgunj, Fasiya, P.S.- Muffasil, Distt.- Katihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar Singh, APP
For the Respondent/s : Ms.Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-12-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

I.A. No. 01 of 2021

This interlocutory application has been filed for
condonation of delay of about three months in filing this appeal.

For the reasons stated in the interlocutory application
and considering the submissions, the interlocutory application is
allowed and delay in filing the present appeal is condoned.

I.A. No. 01 of 2021 is disposed of.

This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for bail vide order dated 20.03.2021, passed by
learned 1st Additional Sessions Judge -cum- Special Judge
Katihar, in connection with Muffasil P.S. Case No.12 of 2021,



registered under sections 147, 148, 149, 186, 353, 332, 427, 307, 325, 504 of the IPC and sections 3 (i) (r) (S) of the SC and ST Act.

16-17 named accused persons have allegedly attacked the police party and indulged in vandalism when they have gone to ensure removal of encroachment.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any such offence. He has been falsely implicated in the case merely on suspicion. He submits that there is general and omnibus allegation levelled against the appellant. He submits that similarly situated co-accused has been granted bail by a Bench of this Court in Cr. App. No. 4243 of 2021 on 29.10.2021. The appellant has no criminal antecedent and he is languishing in custody since 15.01.2021.

There is no specific allegation against the appellant to abuse the informant or his family member by taking caste name, therefore, notice is not required to the informant.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstance of the case and the fact that similarly situated co-accused has been granted bail, the above named appellant is directed to be released on bail on



furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge -cum- Special Judge Katihar, in connection with Muffasil P.S. Case No.12 of 2021.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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