

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.800 of 2022

Arising Out of PS. Case No.-249 Year-2021 Thana- ROSERA District- Samastipur

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1. SONU KUMAR @ SONU KUMAR MANDAL Son of Late Shivnarayan Mandal Resident of Ward No.4, Village and P.O. Rahua, P.S.- Rosera, District- Samastipur.
 2. MADAN GOPAL @ MADAN MANDAL S/o Late Satyanarayan Mandal Resident of Ward No.12, Village and P.O. Rahua, P.S.- Rosera, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. USHA DEVI Wife of Vinod Das Resident of Village- Ramchandarpur Andhel, P. S.- Ujiyarpur, District- Samstipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Kundan Kumar
For the Respondent/s	:	Mr.Binay Krishna
		Mr.Manish Kumar No.13
		Mr.Rohit Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-11-2022 After some argument, learned counsel for the appellants seeks permission to withdraw this appeal so far as appellant no. 2 namely Madan Gopal @ Madan Mandal is concerned.

Permission is accorded. This appeal is dismissed as withdrawn so far as appellant no. 2 namely Madan Gopal @ Madan Mandal is concerned.

Now, the instant appeal deals in appellant no. 1 Sonu Kumar @ Sonu Kumar Mandal against order dated 04.02.2022



passed by learned Special Judge SC/ST (POA) Act, Samastipur in Rosera P.S. Case No. 249 of 2021 registered for the offence punishable under Sections 341, 323, 354B, 406, 420/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (POA) Act (for short “SC/ST Act”), whereby the prayer for anticipatory bail of appellant / Sonu Kumar @ Sonu Kumar Mandal was rejected.

Brief fact of the case is that informant contacted appellant (Sonu Kumar Mandal) and co-accused Madan Mandal for housing loan and accused assured her that if she deposits Rs. 1,50,000/- (one & half lac) in the Central Bank, Rosera, she would get Rs. 6,00,000/- (six lacs), as home loan. It is further alleged that informant gave aforesaid money (i.e. Rs. 1,50,000/-) to the accused persons, but even after lapse of three months, she did not any loan amount in her account, then on 13.03.2021 at about 8:00 AM, when the informant went to house of accused persons for seeking refund of her money, she was abused by accused persons by caste name and co-accused Vinay Kumar Mandal and Madan Mandal caught her hair and stripped her, but anyhow she (informant) could be saved by the villagers.

Learned counsel for the appellant submits that



appellant has been falsely implicated in this case due to village politics. No chit of paper or any material has been brought on record by the informant in support of her allegation. No case under the SC/ST Act is made out, as the informant does not belong to Scheduled Caste category, since as per Notification issued, vide letter no. 9879 dated 02.08.2017, by the Government of India (Annexure - 4), caste name of informant is Tatawa caste, which is placed at serial no. 48, and it comes under OBC category.

Learned counsel for the respondent no. 2 vehemently opposes the appeal filed by the appellant (Sonu Kumar Mandal) and submits that there is specific allegation against appellant that he alongwith other co-accused cheated money of informant in the name of providing housing loan to her.

However, considering the aforesaid facts and circumstances as well as submission of the parties, the impugned order dated 04.02.2022 is, hereby, set aside.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellant be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST (POA) Act,



Samastipur in connection with Rosera P.S. Case No. 249 of
2021.

The appeal is disposed of.

(Prabhat Kumar Singh, J)

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