

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2299 of 2021

Arising Out of PS. Case No.-27 Year-2020 Thana- FORBESGANJ District- Araria

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1. Raj Kumar Mandal S/O Ramkrishan Mandal Resident Of Village - Rahikapur, Thilamohan, P.S. - Simraha, District - Araria.
 2. Amol Mandal @ Anmol Mandal S/O Maheshwar Mandal Resident Of Village - Rahikapur, Thilamohan, P.S. - Simraha, District - Araria.
 3. Ram Kisun Mandal Son Of Late Adhik Mandal Resident Of Village - Rahikapur, Thilamohan, P.S. - Simraha, District - Araria.
 4. Rameshwar Mandal Son Of Late Adhik Mandal Resident Of Village - Rahikapur, Thilamohan, P.S. - Simraha, District - Araria.
 5. Bhim Mandal Son Of Late Giranand Mandal Resident Of Village - Rahikapur, Thilamohan, P.S. - Simraha, District - Araria.
 6. Shankar Mandal Son Of Sadanand Mandal Resident Of Village - Rahikapur, Thilamohan, P.S. - Simraha, District - Araria.
 7. Babu Saheb Son Of Rameshwar Mandal Resident Of Village - Rahikapur, Thilamohan, P.S. - Simraha, District - Araria.
 8. Arvind Mandal Son Of Rameshwar Mandal Resident Of Village - Rahikapur, Thilamohan, P.S. - Simraha, District - Araria.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Baso Risideo Late Dharik Risideo Resident of Village-R.T Mohan.P.S-Simraha,District-Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nishant Kumar Sinha
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-11-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

From perusal of the office notes, it appears that the notice issued to the respondent no. 2 has been validly served upon him but nobody appears on his behalf.

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 28.11.2020, passed by learned 1st Additional Sessions-cum-Special Judge, Araria in connection with Special (SC/ST) Case No. 10 of 2020 arising out of Forbesganj (Simraha) P.S. Case No. 27 of 2020, registered under Sections 341, 323, 325, 379, 504/34 of the IPC and Sections 3(i) (x) of SC/ST Act.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that there is no specific allegation against the appellants to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellants. There is specific allegation against co-accused Binod Mandal who abused the informant by taking caste name. He submits that occurrence took place on 26.12.2019 but the FIR has been lodged on 07.01.2020 after delay of 11 days without explaining any reasonable cause of delay. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

Considering the facts and circumstances of the case, let the above named appellants in the event of their arrest



or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Special (SC/ST) Case No. 10 of 2020 arising out of Forbesganj (Simraha) P.S. Case No. 27 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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