

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2141 of 2022**

Arising Out of PS. Case No.-49 Year-2021 Thana- SC/ST District- Madhubani

Hare Ram Mandal S/o- Late Satya Narayan Mandal R/o- Village- Kewalpatti,
P.S.- Rajnagar, District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ranjeet Kumar Das Son Of Dina Das R/o- Village- Lalit Lakshmipur, P.S.-
Rajnagar, District- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. Ravi Prakash, Advocate Mr. Gagan Deo Yadav, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP
For the informant	:	Mr. Prabhakar Thakur, Advocate

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 29-09-2022

Heard learned counsel for the appellants, learned
counsel for the State and learned counsel for the informant.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date or
resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail by
order dated 21.05.2022 passed by learned 1st Additional
Sessions Judge-cum-Special Judge Madhubani in connection
with SC/ST P.S. Case No. 49 of 2021 registered for the alleged



offences under Sections 341, 323, 379, 354, 504 and 506/34 of the Indian Penal Code and Sections 3 (1)(r)(s)/3 (2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, in the background of the previous dispute, the appellant and his wife using abusive words taking caste name of the informant, assaulted him and his wife and tore the clothes of the wife of informant and took documents and Rs. 25,000/- from the purse of the wife of the informant. The appellant demanded extortion money from the informant.

Learned Senior Counsel for the appellants submits that no occurrence as alleged has ever taken place. The alleged occurrence took place on 14.11.2021 and the F.I.R has been registered on 5.12.2021 i.e. after lapse of 20 days and there is no explanation for the same. Learned Senior Counsel further submits that this appellant filed a case against the informant and others vide Raj Nagar P.S case no. 332 of 2021 dated 25.11.2021 under Section 341, 323, 504, 506, 379 and 34 of the I.P.C. The present case has been filed as counter blast. It has also been submitted on behalf of the appellants that informant and his wife who is a dealer of PDS was present on their shop



and distributed food grains to 10 beneficiaries and the working hours of the shop are from 10 A.M to 2 P.M. whereas the time of alleged occurrence is stated to be 10.30 A.M. on 14.11.2021. So, the claim of the informant is not believable. It is also apparent from the F.I.R that informant himself stated about earlier dispute between his uncle and the appellant. The appellant has also filed R.T.I. query about PDS related work of the informant's wife. The appellant is in custody since 23.04.2022 and charge-sheet has been submitted

Learned Spl.PP as well as learned Counsel appearing on behalf of the informant/respondent no.2 oppose the submission made behalf of the appellant. Learned Counsel for the informant submits that appellant is a habitual offender and accused in two other cases registered for offences of the SC/ST(POA) Act. Apart from three other cases, learned Counsel further submits that the appellant, using his influence used to threaten the informant and his wife and an application has been given to the Superintendent of Police in this regard. Other witnesses have also supported the case of the informant during investigation.

Perused the records.

Having regard to the facts and circumstances and



considering the submission made on behalf of the parties and further considering the nature of allegation in the background of dispute between the informant and the appellant and likelihood of false implication and further considering period of custody of the appellant and the submission of charge-sheet, the appellant is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge Madhubani in connection with SC/ST P.S. Case No. 49 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) The bail bond of the appellants will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the appellants.
- (iii) The appellants will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellants will be liable to be



cancelled by the court concerned.

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

(Arun Kumar Jha, J)

Rajnish/-

AFR/NAFR	N.A.F.R
CAV DATE	N.A
Uploading Date	01.10.2022
Transmission Date	01.10.2022

