

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2203 of 2022

Arising Out of PS. Case No.-57 Year-2021 Thana- SC/ST District- Purnia

Sadanand Mandal, Son Of Badri Mandal Resident Of Village- Barhari,
Kataiya, P.S.- Bhawanipur, District- Purnia

... .. Appellant/s

Versus

1. The State Of Bihar
2. Neelam Devi, Wife Of Late Banavo Rishi Resident Of Village- Barhari
Kataiya, P.S.- Bhawanipur, District- Purnia

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Mishra

For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State.

The appellant has challenged the order dated 30.04.2022 passed by the learned Additional Sessions Judge-1-cum-Special Judge, SC/ST Act, Purnia in connection with Purnia SC/ST P. S. Case No.57 of 2021, instituted for the offences under Sections 323, 354, 147, 148, 504 and 34 of the Indian Penal Code and Section 3(i)(r) (s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

The learned counsel for the appellant submits that

the appellant is a person with clean antecedent and the informant alleges that the accused persons including the appellant with a view to grab her land, forcefully occupied and even have filed a case in the Court of Collector. Further, on 15.03.2020, they were ploughing the filed and on objection, the accused persons abused in public view and even assaulted and the appellant misbehaved and touched her inappropriately and made her semi-named.

The learned counsel for the appellant submits that the appellant has been falsely implicated in the present case. It is next submitted that the date of occurrence is 15.03.2020 and the complaint came to be filed on 29.9.2021 i.e. nearly after more than 18 months of the occurrence and thereafter, the F.I.R. came to be instituted on 23.12.2021. It is next submitted that the delay in instituting the complaint was fatal. It is also submitted that though it is alleged that the occurrence took place in public view, but then the F.I.R. does not disclose, who were the persons, who had witnessed the occurrence and why the complaint came to be instituted at such a belated stage. It is also submitted that the dispute is civil for which a case was going on in the Court of Collector.

The learned Special P. P. opposes the bail application.

Regard being had to the aforesaid submissions, the order dated 30.04.2022 is set-aside.

The appeal stands allowed.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1-cum-Special Judge, SC/ST Act, Purnia in connection with Purnia SC/ST P. S. Case No.57 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--