

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3358 of 2021

Arising Out of PS. Case No.-108 Year-2021 Thana- BANMANKHI District- Purnia

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1. Raj Kumar Mandal Son Of Fani Lal Mandal R/O Village - Ram Nagar Pharsahi, Milik, Harpatti, P.O. And P.S. - Banmankhi, District - Purnia, Pin No.-854102.
 2. Mangal Mandal @ Satish Kumar Son Of Satya Narayan Mandal R/O Village - Ram Nagar Pharsahi, Milik, Harpatti, P.O. And P.S. - Banmankhi, District - Purnia, Pin No.-854102.
 3. Sandeep Mandal Son Of Arbind Mandal R/O Village - Ram Nagar Pharsahi, Milik, Harpatti, P.O. And P.S. - Banmankhi, District - Purnia, Pin No.-854102.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sakina Devi@Sakila Devi Late Fulchandra Rishi R/O Village-Harpatti, Ramnagar, Pharsahi, Milik, P.S.-banmankhi, District-Purnia

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Hare Ram Sah
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 01-11-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

From perusal of the office notice, it appears that the notice has been validly served upon the respondent no. 2 but nobody appears on her 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 02.07.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge



(SC/ST Act), Purnea in connection with Banmankhi P.S. Case No. 108 of 2021, registered under Sections 323, 341, 427, 504/34 of the IPC and Sections 3(i) (g) (r) (w)/ 3 (2) (va) of SC/ST Act.

Appellants are said to have assaulted the informant.

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 general and omnibus allegation levelled against the appellants. He submits that there is no specific allegation against the appellants to abuse the informant by taking caste name. 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, Purnea in connection with Banmankhi P.S. Case No. 108 of 2021, 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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