

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3897 of 2021**

Arising Out of PS. Case No.-12 Year-2021 Thana- KATIHAR MUFFASIL District- Katihar

Fuleshwar Mandal @ Fulo Mandal S/O Jagranath Mandal @ Jagdeo R/O
Village-Tajganj Fasya, P.S-Muffasil, District-Katihar.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajendra Prasad Sah
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 27-01-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual court
proceeding.

I.A. No. 01 of 2022

This interlocutory application has been filed for
condonation of delay of about 79 days in filing this appeal.

For the reasons stated in the interlocutory application
and after considering the submissions, the interlocutory
application is allowed and delay in filing the present appeal is
condoned.

I.A. No. 01 of 2022 is disposed of.

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 23.03.2021, passed by



learned 1st Additional Sessions Judge-cum-Special Judge, Katihar in connection with Muffasil P.S. Case No. 12 of 2021, registered under Sections 147, 148, 149, 186, 353, 332, 427, 307, 325, 504 of the IPC and Sections 3(i) (r) (S) of SC/ST Act.

17 named accused persons and 60-70 unknown accused persons have assaulted the informant and damaged the vehicle and obstructed them in discharging of their duty of removing the encroachment.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. He submits that there is no overt act has been alleged against the appellant nor he is alleged with any abuse in the name of caste against the driver of the informant. He submits that allegation levelled against the appellant is general and omnibus in nature. He submits that similarly situated co-accused has been granted bail by a Bench of this Court. He submits that no case under SC/ST Act is made out against the appellant. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal and he is languishing in judicial custody since 14.01.2021.

There is no specific allegation against the appellant to abuse the informant or his family member by taking caste name,



therefore, notice is not required to the informant.

Learned Spl. PP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the period of custody, the above named appellant, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Katihar in connection with Muffasil P.S. Case No. 12 of 2021.

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

(Anjani Kumar Sharan, J)

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