

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2956 of 2022

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

Aman Kumar @ Aman Mandal S/O Madan Mandal Resident Of Village-
Harpatti, Post- Harpatti, P.S.- Banmankhi, District- Purnia.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sakina Devi W/o Late Phoolchandra Rishi Resident of Village- Harpatti,
Post- Harpatti, P.S.- Banmankhi District- Purnia.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jai Vardhan Narayan
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-09-2022 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated

02.07.2021 passed by learned Special Judge, SC/ST

Act, Purnea in connection with Banmankhi P.S. Case No.

108 of 2021 instituted for the offences punishable under

Sections 323, 341, 427, 504, 34 of the Indian Penal

Code and Section 3(1)(g)(r)(w), 3(2)(va) of the SC &

ST (Prevention of Atrocities) Act, whereby his prayer for

being released on anticipatory bail has been rejected.

The accusations are of making assault and



abusing by calling caste name.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case and in the background of some land dispute, the present case has been lodged. As per F.I.R, the occurrence took place in the house of the informant, not in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellant. A statement has been made in para 3 of the petition that appellants has no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 02.07.2021.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail in the event of his arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the



satisfaction of learned Special Judge, SC/ST Act, Purnea
in connection with Banmankhi P.S. Case No. 108 of
2021.

(Sunil Kumar Panwar, J)

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