

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4171 of 2021

Arising Out of PS. Case No.-127 Year-2019 Thana- KALUAHI District- Madhubani

VINIT MANDAL @ VIPIN MANDAL Son of Late Mahavir Mandal
Resident of Bardepur, P.S. - Kaluahi, District - Madhubani.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Md. Soban Asghar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P. Mr.Ashok Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 26-07-2022 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State.

Learned counsel for the appellant undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

This is an appeal under section 14(A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 20.03.2020, passed by learned Additional Sessions Judge-I, Madhubani, in connection with Kaluahi P.S.



Case No.127 of 2019, G.R. No.139/2019, registered under sections 341, 323, 354, 379, 504, 506/34 of the IPC and sections 3(i)(r)(s), 3(2) (Va) of the SC/ST Act.

Allegation as per the FIR is that when the informant went to take his wages in lieu of the labour work done, the accused persons named in the FIR assaulted him with lathi and refused to give money and started abusing with caste name.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. He is made accused in the case on the basis that he is the brother of co-accused Manoj Mandal. It is submitted that no offence under the SC/ST Act is made out against the appellant as the occurrence is not said to have taken place in the public view. It is also submitted that there is no specific overt act against the appellant to abuse the informant in the caste name. Appellant has no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, the appellant named above, in the event of his arrest or surrender



before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Madhubani, in connection with Kaluahi P.S. Case No.127 of 2019, G.R. No.139/2019, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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