

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4232 of 2021

Arising Out of PS. Case No.-77 Year-2020 Thana- MUNGER MUFFASIL District- Munger

Chhotu Mandal @ Karambir Kumar Son of Mahesh Mandal Resident of
Village - Manigram Totaha, P.S.- Mufassil, Distt.- Munger.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Ravish Kumar Son of Late Sukhdeo Paswan Resident of village-
Maniyarchak, P.S.- Muffasil, District- Munger.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Sevak Choudhary
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 12-05-2022 Heard both sides.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of bail vide order dated 05.08.2021, passed by learned Special Judge (SC/ST) Act-cum-A.D.J.-I, Munger in connection with Muffasil P.S. Case No.77 of 2020, registered under Sections 341, 323, 307, 504, 506, 34 of the Indian Penal Code and Sections 3 (1)(a)(r)(s), 2(v)(a) of the SC/ST Act.

By order dated 24.11.2021, notice was issued to respondent no.2. The office points out that the notice has been received by brother of respondent no.2.

Learned counsel for the appellant has filed a



supplementary affidavit stating that the respondent no.2 and his brother are joint and residing in the same house.

In view of the fact aforesaid, the notice issued to respondent no.2 is treated to be validly served on respondent no.2.

The appellant along with other accused-persons are said to have abused the informant by naming his caste. It is also alleged that the appellant has fired upon the informant from a country made pistol.

Learned counsel for the appellants submits that the appellant is innocent and has falsely been implicated in the present case. It is further submitted that there is general and omnibus allegation against the appellant and appellant is in custody since 05.11.2020.

Learned Special P.P. for the State opposed the prayer for bail of the appellant by submitting that there is specific allegation against the appellant that he fired upon the informant.

Taking into consideration the period of custody of the appellant, let appellant, above named, be released 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 learned Special Judge (SC/ST) Act-cum-A.D.J.-I, Munger in connection with Muffasil P.S. Case No.77 of 2020, subject to the following conditions:-



(1) That one of the bailors will be a close relative of the appellant, who will give an affidavit giving genealogy as to how he is related with the appellant. He will also undertake to inform the court if there is any change in the address of the appellant.

(2) That the appellant will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates, his bail bonds shall be liable to be cancelled.

(3) That the appellant will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(4) That the bailors shall also state on affidavit that they will inform the court concerned, if the appellant is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

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

(Anjani Kumar Sharan, J.)

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