

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4351 of 2021

Arising Out of PS. Case No.-124 Year-2021 Thana- SUPAUL District- Supaul

1. CHANDESHWARI MANDAL @ CHANDESHWAR MANDAL Son of Musher Mandal @ Mushar Mandal @ Mishri Lal Mandal Resident of Village - Bina, P.s.- Supaul, Distt.- Supaul.
2. Arjun Mandal Son of Birendra Mandal Resident of Village - Bina, P.s.- Supaul, Distt.- Supaul.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Naresh Kumar Mehta
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-01-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual Court proceedings.

Learned counsel for the appellants undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

Learned Special P.P. for the State submitted that in compliance of the order dated 05.01.2022, the informant was communicated through the Superintendent of Police concerned to appear before this Court, but, in spite of valid



communication, there is no representation on behalf of the informant.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 16.09.2021 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Supaul in connection with Supaul P.S. Case No.124 of 2021 registered under Sections 147, 148, 149, 341, 323, 324, 307, 354B & 302 of the Indian Penal Code and Section 3(1) (r) (s) (e) (w) (i) (x) (s) & 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the husband of the informant was sitting at Ward No.3 for a meeting about Sarasawati Puja, all the F.I.R. named persons and some unknown persons are said to have armed with Farsa, Dabiya, Khanti & Bhala etc. come at the place of occurrence and abused the informant and others in the name of their caste. On the order of co-accused, Deven Mandal, Somi Mandal and grandson of Somi Mandal attacked on the informant.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to dirty



village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The specific allegation is against co-accused, Devan Mandal, Somi Mandal and Fullo Mandal. Appellants have no criminal antecedent and have been languishing in custody since 16.08.2021.

Learned Special Public Prosecutor for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants are directed to 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 cum Special Judge (SC/ST Act), Supaul in connection with Supaul P.S. Case No.124 of 2021.

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

(Anjani Kumar Sharan, J)

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