

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4450 of 2021**

Arising Out of PS. Case No.-175 Year-2021 Thana- JANKINAGAR District- Purnia

1. ANIL MANDAL Son of Ram Prawesh Mandal Res of Village - Ramjani, Ward no.- 03, P.S.- Jankinagar, District - Purnea
2. Santosh Mandal Son of Rajendra Mandal Res of Village - Ramjani, Ward no.- 03, P.S.- Jankinagar, District - Purnea

... .. Appellants.

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Manish Kumar

For the Respondent/s : Mrs. Usha Kumari 1

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

4      19-01-2022      Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual Court proceedings.

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 30.09.2021 passed by learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge (SC/ST Act), Purnea in connection with Jankinagar P.S. Case No. 175 of 2021 registered under Sections 147, 148, 149, 341, 323, 324, 307, 379, 120B, 427, 436, 447, 504 & 506 of the Indian Penal Code and Section 3(1)



(r) (s) / 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants in association with other co-accused are said to have come at the house of the informant, pour petrol and set fire in his house. They also destroyed two other houses of the informant. They tried to kill the grandson of 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 and land dispute. There is admitted land dispute between the parties. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent and have been languishing in custody since 17.08.2021,

Heard learned counsel for the appellants and perused the case record. *Prima facie*, no offence under SC/ST Act is made out against the appellants, hence there is no need to issue notice to the informant.

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 1<sup>st</sup> Additional Sessions Judge cum Special Judge (SC/ST Act), Purnea in connection with Jankinagar P.S. Case No.175 of 2021.

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

**(Anjani Kumar Sharan, J)**

Trivedi/-

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