

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.819 of 2023

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

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1. Mukesh Mandal @ Mukesh Kumar Mandal Son Of Yogendra Mandal R/O Village- Ramjani Rupauli, P.S.- Jankinagar, District- Purnea
 2. Wilat Mandal @ Bilat Mandal Son Of Chauthi Mandal R/O Village- Ramjani Rupauli, P.S.- Jankinagar, District- Purnea
 3. Indrabhushan Kumar Mandal @ Indrabhushan Mandal Son Of Satyanarayan Mandal R/O Village- Ramjani Rupauli, P.S.- Jankinagar, District- Purnea
- Appellant/s

Versus

1. The State of Bihar
 2. Mahendra Paswan Son Of Mittar Paswan R/O Village- Ramjani, Ward No.3, P.S.- Jankinagar, District- Purnea
- Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Uday Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-07-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 10.05.2023 but nobody appeared on behalf of the respondent no.2.

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 anticipatory bail vide order dated 15.11.2022 passed by learned Special Judge,



SC/ST Act, Purnea in connection with Jankinagar P.S. Case No. 175/2021, registered under Sections 147, 148, 149, 341, 323, 324, 307, 379, 120(B), 427, 436, 447, 504 and 506 of the Indian Penal Code and Section 3 (i)(r)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is admitted land dispute between the parties which is clear from the F.I.R. itself. There is no specific overt act against any of these appellants to abuse the informant by taking the caste name. He relies upon the judgment of Hon'ble Apex Court passed in the case of *"Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 SCC 710"*. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellants abuse the respondent no.2/informant by taking caste name.

In the facts and circumstances of the case and the fact that there is admitted land dispute between the parties, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks



from today, be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Purnea in connection with Jankinagar P.S. Case No. 175/2021, 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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