

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1215 of 2022

Arising Out of PS. Case No.-561 Year-2021 Thana- NARPATGANJ District- Araria

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1. JANAK KUMAR MANDAL SON OF RAM PRASAD MANDAL RESIDENT OF VILLAGE - MADHURA WEST, GAINAMANDAL TOLA, WARD NO.2, P.S.- NARPATGANJ, DISTRICT - ARARIA.
 2. RANBIJAY MANDAL SON OF MAHESHWAR MANDAL RESIDENT OF VILLAGE - MADHURA WEST, GAINAMANDAL TOLA, WARD NO.2, P.S.- NARPATGANJ, DISTRICT - ARARIA.
 3. NANDLAL MANDAL SON OF BACHI MANDAL RESIDENT OF VILLAGE - MADHURA WEST, GAINAMANDAL TOLA, WARD NO.2, P.S.- NARPATGANJ, DISTRICT - ARARIA.
 4. RAM PRASAD MANDAL SON OF BACHI MANDAL RESIDENT OF VILLAGE - MADHURA WEST, GAINAMANDAL TOLA, WARD NO.2, P.S.- NARPATGANJ, DISTRICT - ARARIA.
 5. BRAHMDEO MANDAL SON OF GOLAI MANDAL RESIDENT OF VILLAGE - MADHURA WEST, GAINAMANDAL TOLA, WARD NO.2, P.S.- NARPATGANJ, DISTRICT - ARARIA.
 6. BIRENDRA KUMAR MANDAL SON OF YOGENDRA MANDAL RESIDENT OF VILLAGE - MADHURA WEST, GAINAMANDAL TOLA, WARD NO.2, P.S.- NARPATGANJ, DISTRICT - ARARIA.
 7. BODH NARAYAN MANDAL SON OF MOHAN MANDAL RESIDENT OF VILLAGE - MADHURA WEST, GAINAMANDAL TOLA, WARD NO.2, P.S.- NARPATGANJ, DISTRICT - ARARIA.
 8. MOHAN MANDAL SON OF MAHESHWARI MANDAL RESIDENT OF VILLAGE - MADHURA WEST, GAINAMANDAL TOLA, WARD NO.2, P.S.- NARPATGANJ, DISTRICT - ARARIA.
 9. JITENDRA KUMAR MANDAL SON OF YOGENDRA MANDAL RESIDENT OF VILLAGE - MADHURA WEST, GAINAMANDAL TOLA, WARD NO.2, P.S.- NARPATGANJ, DISTRICT - ARARIA.

... .. APPELLANT/S

VERSUS

1. THE STATE OF BIHAR
2. YOGENDRA PASWAN SON OF PHOOLCHAND PASWAN R/O VILL-MADHURA WEST WARD NO-3, P.S.- NARPATGANJ, DISTRICT-ARARIA.



... .. RESPONDENT/S

Appearance :

For the Appellant/s : Mr. Vishwajeet Kumar Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 12-07-2023 The bail pre-arrest appeal of appellant Nos 1 and 4

had already been withdrawn vide order dated 12.04.2023 and
28.06.2023.

Heard learned counsel for the appellant Nos 2, 3, 5, 6,
7, 8, 9 the State and respondent no.2.

The present appeal is directed against the order dated
17.02.2022, passed in a case registered for the offence
punishable under Sections 147, 148, 149, 341, 342, 323, 324,
307, 332, 333, 353, 427, 337, 338, 504 and 506 of the Indian
Penal Code read with Sections 3 (i) (r) (s) and 3(2)(va) of the
SC/ST Act, whereby anticipatory bail of the appellants has been
rejected.

As per the prosecution case, all the FIR named
accused persons including these appellants armed with lathi-
danda gathered and surrounded the police party and abused the
informant by his caste name and also created hindrance in
discharge of the public duty.

Learned counsel for the appellants submits that these



appellants have been made accused in this case due to land dispute and previous enmity between the parties. They did not hinder the police party in discharging their duties and so called Bauwa Mandal is rotting in jail and no such occurrence had ever been taken place. There is general and omnibus allegation of assault against these appellants.. Specific allegation of abuse by caste name is against co-accused Yogendra Mandal. . No case under SC/ST Act is made out as the alleged occurrence did not take place within the public view. They claim clean antecedents.

Learned counsel for the state and respondent no.2 opposed the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 17.02.2022 is set aside.

Accordingly, in the event of arrest or surrender the appellant Nos 2, 3, 5, 6, 7, 8, 9 , above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned 1st Additional Sessions cum Special



Judge, in connection Narpatganj, P.S. Case No 561 of 2021,
subject to the condition as laid down
under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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