

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2232 of 2022

Arising Out of PS. Case No.-171 Year-2021 Thana- RUPAULI District- Purnia

Chandra Shekhar Mandal Son Of Banarshi Mandal Resident Of Village- Naya
Tola Topra, P.S.- Sanhaura, District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Levi Devi daughter of Shankar Sharma resident of Naya Tola, Topra Ward
No.- 10, P.S.- Rupauli (mohanpur O.P.) District- Purnia

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajit Kumar Singh
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 12-04-2023 IA No. 01 of 2023

This interlocutory application is jointness petition which has been filed on behalf of appellant stating therein that respondent no. 2 and her son are residing jointly in the same house and notice of respondent no. 2 has been received by her son, therefore, service of notice be accepted as validly served.

In view of the fact, service of notice deemed to be validly served. Accordingly IA No. 01 of 2023 is allowed.

Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellant for grant of anticipatory bail against the order



dated 03.02.2022 passed by learned Ist Additional Sessions Judge-cum-Special Judge (SC/ST Act), Purnea in connection with Rupauli Mohanpur OP P.S. Case No. 171 of 2021 under Sections 447, 341, 323, 324, 354, 504/34 of the Indian Penal Code and section 3(i)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant was rejected.

Prosecution case in brief is that on the alleged date and time of occurrence, co-villager Dhanik Lal Mandal came at the house of informant and abused her by caste name and assaulted the informant with *Bhala* which hit her son causing injury on his hand.

It is submitted on behalf of the appellant that specific accusation of abuse by her caste name and commission of assault is against co-accused. There is general and omnibus allegation against this appellant and he has been made accused in this case simply because he is relative of Chhataharu Mandal father of Dhanik Lal Mandal. Moreover, FIR has been lodged after inordinate delay of 14 days without any plausible explanation. It is not the case of the informant that the offensive words were uttered in the public view and as such no case under



SC/ST Act is made out. Appellant has got clean antecedent.

Considering the aforesaid facts, this appeal is allowed.
The impugned order dated 03.02.2022 passed by learned Ist Additional Sessions Judge-cum-Special Judge (SC/ST Act), Purnea in connection with Rupauli Mohanpur OP P.S. Case No. 171 of 2021, is set aside.

Let the appellant above-named, in the event of his arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on 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 Ist Additional Sessions Judge-cum-Special Judge (SC/ST Act), Purnea in connection with Rupauli Mohanpur OP P.S. Case No. 171 of 2021.

(Prabhat Kumar Singh, J)

vinita/-

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