

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2342 of 2023

Arising Out of PS. Case No.-7 Year-2022 Thana- SC/ST District- Araria

BAIDNATH KUMAR MANDAL @ BAIDNATH KUMAR @ BAIJNATH KUMAR Son of Tetan Mandal @ Tetan Lal Mandal Resident of village - Sikty Ward No.- 03, Police Station - Sikty, Dist.- Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shrawan Kumar Suman Son of Laxmi Manjhi Resident of village - Kankhudia Ward No.- 01, Police Station - Palasi, Dist.- Araria.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Rana
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 30-11-2023 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 26.4.2023 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria, whereby the prayer for bail of the appellant in connection with Araria SC/ST P.S. Case no. 7 of 2022 under Sections 341, 323, 379, 420, 406 of the Indian Penal Code and sections 3(1)(s) of SC/ST Act was rejected.

3. The appellant is alleged to have taken Rs. 3,10,000/- from the informant in the name of providing him



License of preparing Adhhar Card. When the work has not been completed, the informant asked for his money. Then the appellant denied and abused by taking caste name.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. No any documentary proof brought on against the petitioner in respect of amount taken by the informant. The appellant has not taken the caste name of the informant in public view as such, no offence is made out under the provisions of the SC/ST Act against him. He has got no criminal antecedent as stated in para-3 of the bail petition and languishing in judicial custody since 28.3.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and considering the aforesaid facts & circumstance of the case, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 26.4.2023 passed in Araria SC/ST P.S. Case no. 7 of 2022 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Araria SC/ST P.S. Case no. 7 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)



with two sureties of the like amount each to the satisfaction of
the learned 1st Additional Sessions Judge-cum-Special Judge,
Araria.

(Sunil Kumar Panwar, J)

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