

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2545 of 2022

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

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1. DURGA PRASAD MANDAL @DURGANAND MANDAL S/O RAM PRAWESH MANDAL Resident of Village- Ramjani, Ward No- 3 P.S.- Jankinagar, District- Purnea.
 2. AJIT KUMAR @ RANJIT @ MALIK MANDAL S/O RANJENDRA MANDAL Resident of Village- Ramjani, Ward No- 3 P.S.- Jankinagar, District- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. MAHENDRA PASWAN S/O MITTAL PASWAN Resident of village- Ramjane, Ward No.-3 P.S.- Jankinagar, District- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rabindra Kumar Priyadarshi
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 30-08-2023 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. At the very outset, learned counsel for the appellants seeks permission to withdraw this appeal in respect of appellant no.2 submitting that during pendency of this appeal appellant no.2 has already been apprehended.

3. Permission is granted.

4. Accordingly, this appeal is dismissed as withdrawn in respect of appellant no.2 only.

5. Now, this appeal survives only for appellant no.1.



6. By order dated 24.08.2022, notice was issued to respondent no.2, which was received by his wife.

7. Learned counsel for the appellant has filed a jointness petition stating therein that wife of the informant lives along with him in the same house under one roof.

8. In view of the submissions made by learned counsel for the appellant, the service is deemed to be a valid service.

9. In spite of valid service of notice, none is present on behalf of respondent no.2.

10. 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 13.05.2022 passed by learned 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.

11. All the accused persons including these appellants are said to have come to the house of the informant and pour petrol, as such, the house was set on fire and also destroyed two other



houses of the informant and tried to kill the grandson of the informant.

12. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to land dispute. The allegation levelled against the appellant is not specific rather general and omnibus in nature. It is further submitted that similarly situated co-accused, Raja Kumar and Sonu Kumar have already been enlarged on anticipatory bail by a coordinate Bench of this Court vide order dated 20.06.2023 passed in Cr. Appeal (SJ) No.2736 of 2022. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

13. Learned Spl. PP for the State opposed the prayer for bail.

14. In the facts and circumstances of the case as well as the fact that there is admitted land dispute between the parties, the above named appellant no.1, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Purnea in connection with Jankinagar P.S. Case No.175 of 2021, subject to the condition



as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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