

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2736 of 2022

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

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1. RAJA KUMAR S/o Rajeev Mandal R/o village- Ramjani, Ward No.-3, P.S.- Jankinagar, District- Purnea
 2. Sonu kumar S/o Ranjit @ Malik Mandal R/o 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 R/o village- Ramjane, Ward No.-3, P.S.- Jankinagar, District- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rabindra Kumar Priyadarshi, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 20-06-2023 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 13.05.2022 in A.B.P. No. 28 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Purnea in connection with Jankinagar P.S. Case No. 175 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 120(B), 427, 504 and 506 of the Indian Penal Code as well as Sections 3(1)(r) (s), 3(2)(v) of the SC/ST Act.

Learned counsel for the appellants submits that by



order dated 10.10.2022, notices were issued on O.P. No. 2, it is next submitted that notices were filed in time. It is next submitted that from perusal of the Office Report it would manifest that the notices were received by the wife of the O.P. No. 2, as such, the same be deemed to be a valid service.

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

Learned counsel for the appellants submits that the appellants are persons with clean antecedent.

The informant alleges that the accused persons including the appellants came to his house 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.

The learned counsel for the appellants submits that appellants have been falsely implicated in the present case, it is next submitted that allegation of putting the house on fire is ornamental, no such occurrence as alleged ever took place and that perhaps explains the reason why the informant did not choose to appear to contest the case when admittedly his wife has received the notice, it is next submitted that similarly situated co-accused have also been granted the privilege of



anticipatory bail by order dated 19.1.2022 in Cr. Appeal SJ NO. 4450 of 2021.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 13.05.2022 in A.B.P. No. 28 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Purnea in connection with Jankinagar P.S. Case No. 175 of 2021 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jankinagar P.S. Case No. 175 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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