

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2643 of 2022

Arising Out of PS. Case No.-150 Year-2020 Thana- MADHWAPUR District- Madhubani

GRATO MANDAL Son of Beaulal Mandal R/v- Balwa, P.S- Madhwapur,
Dist- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Bilat Paswan Late Gopal Paswan R/V- HariPatti, Nahar Kinar, P.S.-
Bahadurpur, District- Darbhanga at presently Posted as a Post of A.S.I. of
Madhanpur, P.S.- (Madhubani)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhavesh Kumar Sah
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-03-2023 Heard learned counsel for the parties.

The present appeal has been filed against order dated 23.07.2022 passed by learned A.D.J.-II-cum-Special Judge, Excise Act, Madhubani in Madhwapur P.S. Case No. 150 of 2020 registered for the offence punishable under Sections 272, 273, 341, 342, 323, 353, 188, 379, 504, 506, 34 of the Indian Penal Code, Section 30(a)/45 of Bihar Prohibition and Excise Act and Section 3(1)(x) / 3(2)(va) of the SC/ST Act, whereby the prayer for anticipatory bail of appellant was rejected.

As per F.I.R., the allegation against appellant and other F.I.R. named co-accused persons is that they tried to rescue the persons apprehended by the police for being involved in liquor business. In due course, they abused and assaulted the informant.



Learned counsel for the appellant submits that the allegation is general and omnibus. No specific allegation of commission of assault and abuse has been made against this appellant and as such, no case under the SC/ST Act is made out. Appellant has got clean antecedent.

Learned Special P.P. opposes the appeal.

Considering the aforesaid facts and circumstances, the impugned order dated 23.07.2022, so far as this appellant is concerned, is, hereby, set aside and appeal is allowed.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellant be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge, Excise Act, Madhubani in connection with Madhwapur P.S. Case No. 150 of 2020.

(Prabhat Kumar Singh, J)

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