

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.936 of 2021

Arising Out of PS. Case No.-60 Year-2020 Thana- BALIA BELON District- Katihar

Lachchu Mandal @ Laxman Mandal S/o Sri Nandlal Mandal Resident of
Village- Minapur Unso Panchgachi, P.S.- Balia Belon, Distt- Katihar.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Parwej Alam Khan Late Md. Sonafa Khan S.I. of Police, Posted at Baliya Belon, Camp-Mirzapur, P.S.- Baliya Belon, District- Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bhola Prasad
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-02-2023 The office points out that the instant appeal is time barred as the limitation expired on 20.12.2020 and limitation petition has not been filed as yet.

In view of the judgment passed by Hon'ble Apex Court in Suo Motu Writ Petition (C) No.3 of 2020 dated 10.01.2022, the delay in filing the instant appeal is hereby condoned.

Learned counsel for the appellant is directed to remove the defects, if any, pointed out by the office within a period of four weeks from today.

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

The present FIR has been lodged by Parwej Alam



Khan, Sub-Inspector of Police against the appellant, and he is represented by Special P.P. for the State, therefore, no notice is required to be issued on respondent no.2.

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 of anticipatory bail vide order dated 19.09.2020, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Katihar in connection with Balia Belon P.S. Case No.60 of 2020, registered under Sections 341, 323, 186, 353, 504, 506 and 34 of the Indian Penal Code and Sections 3 (i) (r) (s) of the SC/ST Act.

Learned counsel for the appellants submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that there is general and omnibus allegation against the appellant. It is not alleged that the appellant abused the informant by naming his caste.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellant.

Taking into consideration the facts aforesaid, let



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 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 learned 1st Additional Sessions Judge-cum-Special Judge, Katihar in connection with Balia Belon P.S. Case No.60 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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