

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4400 of 2023

Arising Out of PS. Case No.-385 Year-2023 Thana- PHULPARAS District- Madhubani

1. Surendra Kumar Mandal S/O Dukhan Mandal @ Dukhan Prasad R/O Village- Belha, P.S- Phulparas, Distt.- Madhubani.
2. Birendra Kumar Mandal @ Birendra Mandal S/O Dukhan Mandal @ Dukhan Prasad Mandal R/O Village- Belha, P.S- Phulparas, Distt.- Madhubani.
3. Dukhan Mandal @ Dukhan Prasad Mandal S/O Late Newa Lal Mandal R/O Village- Belha, P.S- Phulparas, Distt.- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Balram Choupal S/O Late Narayan Choupal R/O Village- Belha, P.S- Phulparas, Distt.- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Prakash
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-12-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. 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 25.08.2023 passed by learned 1st Addl. Session Judge cum Special Judge, Madhubani, arising out of Phulparas P.S. Case No. 385 of 2023, registered under Sections 341, 323, 324, 379, 307, 504, 506/34 of the Indian Penal Code and



Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The accusation against the appellants and other accused persons is of abused the informant by taking caste name and also assaulted the informant with the iron rod.

4. Learned counsel for the appellants submit that the appellants are innocent and has falsely been implicated in the present case. Appellants have no criminal antecedent as mentioned in Para 3 of the memo of appeal. There is general and omnibus allegation against the appellants who abuses the informant and assaulted him.

5. Learned Spl. PP for the State and respondent no. 2 opposes the payer for bail of the appellants and submits that there is specific allegation against the appellant no. 2 who assaulted the informant and his family members and injury was found to be grievous in nature. Injury report is produced in Court by the learned counsel for the respondent no. 2.

6. Considering the nature of the injury and submission of the parties, I am not inclined to grant anticipatory bail to the appellant no. 2, hence his prayer for anticipatory bail is hereby rejected.

7. Considering the facts and circumstances of the



case, let the above named appellants no.1 and 3, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Session Judge cum Special Judge, Madhubani, in connection with Phulparas P.S. Case No. 385 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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