

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1717 of 2021

Arising Out of PS. Case No.-44 Year-2020 Thana- SC/ST District- Purnia

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GULO MANDAL SON OF LATE RADHE MANDAL R/O VILLAGE-
KASMARA, BIN TOLI, NIRPUR, P.S.- DHAMDHAHA, DISTRICT-
PURNEA.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajo Devi Wife of Kumar Urawn R/v Kasamra, Nirpur, P.S- Dhamdaha,
Dist- Purnea

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Amit Kumar Anand, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For the Respondent No.2 :		Mr. Lal Mani Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-06-2022 Heard learned counsel for the appellant,

respondent no.2 and learned Special Public Prosecutor for the

State.

Learned counsel for the appellant undertakes to

remove the defects within four weeks of resumption of normal

court proceeding. In the eventuality of non-removal of defects

within undertaken period, the office will place the matter before

the Bench.

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 05.01.2021 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Purnea in connection with SC/ST P.S. Case No. 44 of 2020 registered under Sections 341, 323, 354B, 427 & 504/34 of the Indian Penal Code and Section 3(1) (r) (s) 3 (w) (i) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellant is that he entered into the field of banana and forcibly cut the banana tree and when the informant forbade to do so he abused the informant in her caste name and also assaulted her.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of three months in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellant has no criminal antecedent.

Learned Spl. PP for the State and learned counsel



for the respondent no.2 opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, 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 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Purnea in connection with SC/ST P.S. Case No.44 of 2020, subject to the condition 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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